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ABSTRACT

This packet contains fact sheets and issue briefs on immigration and immigrants. Fact sheets, most of which are presented in 1994 and 1997 versions, contain brief summaries of information on immigration law and regulations, the status of immigrants, their countries of origin, and where they settle. These fact sheets make it clear that most immigrants enter the United States legally, and that most come to the United States to reunite with relatives. Fact sheets on both family-based and employment-based immigration are included. The vast majority of immigrants come to urban areas, where they start new businesses, pay taxes, and use fewer services than native-born Americans. As one fact sheet demonstrates through examples, immigrants have become a driving force in urban revitalization, using their energy and capital to build city neighborhoods. The issue briefs explore issues related to immigration in greater detail. The following issue briefs are included: (1) "Immigrants and African Americans"; (2) "Becoming Citizens"; (3) "Becoming Americans"; (4) "Costs and Contributions of Immigrants"; (5) "U.S. Asylum Policy"; (5) "Controlling Illegal Immigration"; (6) "Immigrant Women"; (7) "Cycles of Nativism in U.S. History"; (7) "Immigrants and Welfare"; and (8) "Immigrants and Health Care." The fact sheets and issue briefs emphasize the contributions of recent arrivals to the United States. Each issue brief and most fact sheets contain references. (SLD)

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A Guide to Immigration Facts and Issues.

National Immigration Forum.

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National Immigration Forum

A Guide To Immigration Facts and Issues

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Fact Sheets

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IMMIGRATION LAW

FACT SHEET

Immigration Strengthens America

- **Most immigrants enter the U.S. legally.** Nearly 70% of all newcomers to the United States arrive as legal immigrants.

- **Most immigrants come to the U.S. to reunite with close family members.** 60% of all legal immigrants arrive to reunite with separated U.S. family members. Nearly one-half of the remaining immigrants are refugees, and the other half are professional skilled workers who are needed by U.S. businesses.

- **Immigrants number less than one-half of one-percent of the U.S. population annually.** Total legal immigration numbers about 800,000 annually. Another 300,000 newcomers enter or remain in the U.S. illegally. This inflow amounts to less than one-half of one-percent of the total U.S. population. Canada has set its annual legal immigration goal at a full one-percent of its population.

- **Immigrants pay taxes.** The Urban Institute estimates that immigrants, both legal and undocumented, contribute a net surplus of nearly $30 billion to the U.S. economy each year. Immigrants pay taxes and use fewer services overall than native-born citizens.

- **Immigrants start new businesses.** 18% of all new small businesses are started by immigrants. These small businesses account for up to 80% of the new jobs available in the U.S. each year.

- **Immigrants strengthen America.** Today's immigrants and refugees bring courage, determination, democratic values and energy to our diverse society. Our diversity is a unique source of strength as a nation.

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Phone (202) 371-9377 • Fax (202) 371-9449

Facts on Immigration and Urban Revitalization

In cities across the country, immigrants have been a driving force in urban revitalization. While much of this impact is too recent for researchers to have studied, media reports have noted these changes:

Immigrants Keep New York Alive

According to the *Washington Post*, dying neighborhoods in New York's Brooklyn borough have been revived by Asian, Latino, Caribbean, and Russian Jewish immigrants, whose numbers increased in the last 25 years. Hundreds of brownstones and frame houses in Brooklyn have been refurbished by immigrants in the past ten years; storefront buildings sell for half a million dollars, twice what they were worth in the 1980s. City planners say immigrants brought indirect urban renewal, and that without immigration, New York would have about one million fewer people and the kind of derelict, abandoned neighborhoods plaguing other major urban centers like Detroit and Philadelphia.

Immigrants Revitalize Seattle

The *Seattle Times* reports that entire sections of Seattle, Washington, particularly the Rainier Valley and the upper International District along South Jackson Street, have been revitalized by the energy and capital of the city's 67,000 foreign-born residents.

Immigrants Bring Back Los Angeles' Industrial District

A recent *Los Angeles Times* article highlighted how a cluster of mostly Chinese toy wholesalers has revitalized Los Angeles' blighted industrial district—without any funding assistance from the government.

Immigrants Revive a South Dallas Neighborhood

Business Week reports that twelve years ago, Jefferson Boulevard in South Dallas was a dying inner-city business district filled with vacant storefronts. Today, almost 800 businesses operate there and on neighboring streets. Three-quarters of them are owned by Latinos, many of whom are first and second-generation immigrants.

Immigrants in the Atlanta Area Open Shopping Malls

American Demographics reports that Atlanta's first Asian-owned shopping mall, Chinatown Square, opened in 1988. Since then, Korean and Vietnamese malls have opened. The Asian Square Mall, which opened in October, 1993, was 80% preleased by Japanese, Korean, and Vietnamese tenants. The malls are part of a network of multicultural shopping facilities, including a Latino plaza in the suburban Atlanta area of Chamblee-Doraville.

Immigrants Revitalize Urban Areas as Home Owners

The *Washington Post* reported on a recent Harvard study which found that immigrants and native-born members of minority groups have doubled their home ownership rate over the past decade. In 1980, about 25% of all immigrants between 25 and 34 years old owned homes, but now nearly 55% are owners. The largest jumps in the immigrant home-owning population were among Latinos and Asians.

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Sources:
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Michael J. Mandel, Christopher Farrell, Dori Jones Yang, Gloria Lau, Christina Del Valle, and S. Lynne Walker, "The Immigrants: How They're Helping to Revitalize the U.S. Economy," *Business Week* (July 13, 1992).
Judith Waldrop, "The Newest Southerners," *American Demographics* (October 1993).
Bureau of the Census, *1990 Census of Population: Ancestry of the Population in the United States* (Washington, DC: U.S. Department of Commerce, 1990).
Ann Mariano, "Immigrants' Home Buying On the Rise: Rate Doubled in Decade, Harvard Study Finds," *Washington Post*, August 27, 1994.

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Chronology: Restrictions on Immigration and Naturalization

So strongly did Americans believe in the "asylum principle" that immigration remained virtually unrestricted for our first century of national existence. Naturalization—in particular, the residency requirement for foreigners seeking citizenship—proved more contentious, as nativists sought to exclude newcomers from the political process. A chronological account shows the ebb and flow of anti-immigrant sentiment.

DECADE	TOTAL U.S.[1] POPULATION	# OF NEW[2] IMMIGRANTS	% OF U.S.[3] POPULATION	CHRONOLOGY[4]
1790s	7.2 mil	N/A	N/A	**1790** — Naturalization is authorized for "free white persons" who have resided in the United States for at least two years and swear loyalty to the U.S. Constitution. The racial requirement would remain on the federal books until 1952, although naturalization was opened to certain Asian nationalities in the 1940s. **1798** — The Alien and Sedition Acts authorize the President to deport any foreigner deemed to be dangerous and make it a crime to speak, write, or publish anything "of a false, scandalous and malicious nature" about the President or Congress. An amended Naturalization Act imposes a 14-year residency requirement for prospective citizens; in 1802, Congress would reduce the waiting period to five years, a provision that remains in effect today.
1880s	62.9 mil	5.2 mil	8.3%	**1882** — The Chinese Exclusion Act suspends immigration by Chinese laborers for ten years; the measure would be extended and tightened in 1892 and a permanent ban enacted in 1902. This marks the first time the United States has restricted immigration on the basis of race or national origin.
1890s	75.9 mil	3.7 mil	4.9%	**1891** — To the list of undesirables ineligible for immigration, Congress adds polygamists, "persons suffering from a loathsome or a dangerous contagious disease," and those convicted of "a misdemeanor involving moral turpitude."
1900s	91.9 mil	8.8 mil	9.6%	**1906** — The first language requirement is adopted for naturalization: ability to speak and understand English. **1907-8** — Under a so-called "Gentlemen's Agreement," the United States promises not to ban Japanese immigration in exchange for Japan's pledge not to issue passports to Japanese laborers for travel to the continental United States (although they remain welcome to become agricultural workers in Hawaii). By a separate executive order, President Theodore Roosevelt prohibits secondary migration by Japanese from Hawaii to the mainland.
1910s	105.7 mil	5.7 mil	5.4%	**1917** — Over President Wilson's veto, Congress enacts a literacy requirement for all new immigrants: ability to read 40 words in some language. Most significant in limiting the flow of newcomers, it designates Asia as a "barred zone" (excepting Japan and the Philippines) from which immigration will be prohibited.
1920s	122.7 mil	4.1 mil	3.3%	**1921** — A new form of immigration restriction is born: the national-origins quota system. Admissions from each European country will be limited to 3% of each foreign-born nationality in the 1910 census. The effect is to favor Northern Europeans at the expense of Southern and Eastern Europeans. Immigration from Western Hemisphere nations remains unrestricted, while most Asians will continue to face exclusion. **1924** — Restrictionists' decisive stroke, the Johnson-Reed Act, embodies the principle of preserving America's "racial" composition. Immigration quotas will be based on the ethnic makeup of the U.S. population as a whole in 1920. The new national-origins quota system is even more discriminatory than the 1921 version. "America must be kept American," says President Coolidge as he signs the bill into law. Another provision bans all immigration by persons "ineligible to citizenship"—primarily affecting the Japanese.

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DECADE	TOTAL US POPULATION	# OF NEW IMMIGRANTS	% OF US POPULATION	CHRONOLOGY
1940s	150.6 mil	1 mil	.7%	**1943** — To appease a wartime ally, a token quota (105) is created for Chinese immigration. Yet unlike white immigrants, whose quotas depend on country of residence, all persons of "Chinese race" will be counted under the Chinese quota regardless of where they reside.
1950s	179.3 mil	2.5 mil	1.4%	**1950** — The Internal Security Act, enacted over President Truman's veto, bars admission to any foreigner who might engage in activities "which would be prejudicial to the public interest, or would endanger the welfare or safety of the United States." It excludes or permits deportation of noncitizens who belong to the U.S. Communist Party or whose future activities might be "subversive to the national security." **1952** — The McCarran-Walter Act retains the national-origins quota system and "internal security" restrictions, despite Truman's opposition. For the first time, however, Congress sets aside minimum annual quotas for all countries, opening the door to numerous nationalities previously kept out on racial grounds. Naturalization now requires ability to read and write, as well as speak and understand, English.
1960s	203.3 mil	3.3 mil	1.6%	**1965** — The United States finally eliminates racial criteria from its immigration laws. Each country, regardless of ethnicity, will receive an annual quota of 20,000, under a ceiling of 170,000. Up to 120,000 may immigrate from Western Hemisphere nations, which are still not subject to country quotas (an exception Congress would eliminate in 1976). Annual ceilings for quota admissions would be raised over the years, most recently to 700,000 in 1990.
1980s	248.7 mil	7.3 mil	2.9%	**1986** — The Immigration Reform and Control Act gives amnesty to millions of undocumented residents. For the first time, the law punishes *employers* who hire persons who are here illegally. The aim of employer sanctions is to make it difficult for the undocumented to find employment. The law has a side effect: employment discrimination against those who look or sound "foreign."
1990s	255.1 mil[5]	2.8 mil[6]	1.1%	**1990s** — The Immigration Act of 1990, raises the limit for legal immigration to 700,000 people a year. A persistent recession in the U.S., among other reasons, spurs calls for new restrictions on immigration. In 1994, dozens of immigration-control measures were introduced in Congress, ranging from cutoffs of emergency services to undocumented immigrants to a moratorium on legal immigration. To date, the basic framework of the immigration system established by the 1990 law has survived these attacks.

ENDNOTES

1. Total population measured by the census at the beginning of the next decade. (For example, population for the 1790s measured by the 1800 census.)

2. Number of new immigrants arriving during the decade. Source: U.S. Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service, 1992* (Washington, DC: U.S. Government Printing Office, 1993).

3. New immigrants arriving during the decade as a percentage of the population measured by the census at the beginning of the next decade. (For example, immigrants arriving during the 1920s as a percentage of the population measured in the 1930 census.)

4. Sources: Ellis Cose, *A Nation of Strangers: Prejudice, Politics, and the Populating of America* (New York: Morrow, 1992); James Crawford, *Hold Your Tongue: Bilingualism and the Politics of "English Only"* (Reading, MA: Addison-Wesley, 1992); Roger Daniels, *Asian America: Chinese and Japanese in the United States since 1950* (Seattle: University of Washington Press, 1988); John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925*, 2d ed. (New Brunswick, N.J.: Rutgers University Press, 1988); Maldwyn Allen Jones, *American Immigration*, 2d ed. (Chicago: University of Chicago Press, 1992).

5. U.S. Census Bureau estimate, July 1, 1992.

6. Immigration and Naturalization Service count for fiscal years 1991 and 1992. Includes Amnesty immigrants who became permanent residents during this time.

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Facts on Immigrants and Public Benefits

How is an Immigrant's Eligibility for Public Benefits Determined? Immigrants considered *"qualified"* are eligible for some, but not all, federal public benefits.

> ***"Qualified"*** aliens include lawful permanent residents (LPRs), refugees, asylees, persons paroled into the country for at least one year, persons granted withholding of deportation, and certain battered women and children. Any aliens not included in one of these categories are considered ***"not qualified."***

An immigrant's eligibility for public benefits will depend on her immigration status, whether she entered the U.S. before the welfare reform law was passed, and whether she was already receiving assistance when the welfare law passed. Access to certain benefits will also vary based on which state the immigrant lives in.

What Hurdles Must "Qualified" Immigrants Overcome to Receive Benefits? A large number of legal immigrant bars and restrictions to public benefits resulted from the 1996 welfare law (see table below). Eligibility for certain programs now varies depending on when the immigrant entered the U.S. For federal means-tested public benefits, *newly arriving* immigrants (those admitted to the U.S. on or after 8/22/96) are: 1) barred for their first five years in the U.S.; and 2) subject thereafter to a process called **"deeming"** where the income and resources of the U.S. citizen or LPR sponsoring the immigrant are added to the immigrant's own income to determine whether the immigrant is poor enough to qualify for the benefit under the program's financial guidelines. Deeming continues until the new immigrant either naturalizes or works 40 "qualifying quarters" (at least 10 years)—the work of a spouse (or of a parent in the case of a child under 18) also counts towards the 40 quarters. After becoming naturalized citizens, or working for 40 quarters, legal immigrants are generally eligible for federal and state programs provided they meet the general program criteria.

What Public Benefits Can "Qualified" Immigrants Receive?

"Qualified" Immigrants entering the U.S. *on or after* 8/22/96	"Qualified" Immigrants in the U.S. *before* 8/22/96 (date of enactment of welfare law)
• Barred from Supplemental Security Income (**SSI**) and **Food Stamps**. *(See following text for exceptions).	• Barred from (SSI) and **Food Stamps**. Immigrants already receiving Food Stamps must be cut off by no later than 8/22/97. *(See following text for exceptions).
• Subject to a **5-year bar** on most federal means-tested benefits including **Medicaid** and Temporary Assistance for Needy Families (TANF — formerly AFDC). • There is not yet an official definition of "federal means-tested public benefit," but at a minimum the programs **exempt** from this bar include: emergency Medicaid; non-cash emergency disaster relief; School Lunch Act programs; Child Nutrition Act programs; immunizations; Head Start; higher education loans and grants; and certain job training programs among other programs specified by the Attorney General.	• ***Not*** subject to any prospective bar on most federal means-tested benefits including Medicaid and Temporary Assistance for Needy Families (TANF — formerly AFDC). [*Note: States still have the option to restrict access to these programs. See below.*]
• After 5-year bar, subject to **deeming** for federal means-tested benefits. Exemptions from deeming for up to one year exist for some battered spouses and children, and those at risk of going hungry or becoming homeless.	• ***Not*** subject to deeming for federal means-tested benefits.
• After the 5-year bar, states still retain the option to determine immigrant eligibility for **TANF, Medicaid,** and **social services block grants (Title XX)**.	• States have the option to determine immigrant eligibility for **TANF, Medicaid,** and **social services block grants (Title XX)**.

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*** What Services May Refugees Receive?** Refugees fleeing potentially life-threatening persecution in their home country typically do not have the luxury of bringing personal possessions or preparing themselves for life in a new culture. Recognizing this fact, the federal government ***exempts*** newly arrived refugees, asylees, and immigrants granted withholding of deportation from all of its eligibility provisions which restrict access to public benefits, but only ***for their first five years*** after being granted such status.

*** What Other "Qualified" Immigrants are Exempted from Public Benefits Restrictions?** Veterans and active duty military personnel, their spouses, and unmarried children under 21; and immigrants who have worked 40 "qualifying quarters" (at least 10 years) are exempted from the Food Stamp and SSI bars, and are not subject to the 5-year prospective bar on most federal means-tested benefits. Surprisingly, among those who are *not* exempted from the cuts in access to services are: immigrants who become disabled after entry, children, the very elderly, people in the process of naturalizing, and refugees after their initial five years.

Are Aliens Classified As "Not Qualified" Entitled to Any Government Services? Yes, but very few. While "not qualified" aliens are ineligible for nearly all federal benefits, they are still eligible for certain very basic kinds of assistance, including: emergency Medicaid; immunizations; testing and treatment of the symptoms of communicable diseases; short-term non-cash disaster relief; school lunches and breakfasts; and other critical programs specified by the Attorney General.

Based on August 1996 estimates from the Congressional Budget Office (CBO), while changes in immigrant eligibility for public benefits represent approximately 44% of the federal budget savings from the 1996 welfare law, immigrants themselves represented only about 5% of all public benefits recipients.

Shouldn't Family Sponsors Be Responsible for the Immigrant's Care? They are. U.S. citizens or LPRs wishing to sponsor an immigrant relative for admission to the U.S. now must sign a legally enforceable **affidavit of support** which requires their income level to be high enough to ensure that the immigrant will not become a public charge. These documents make the sponsor liable for the immigrant's use of benefits until citizenship, or until the arriving immigrant works 40 "qualifying quarters" (at least 10 years) without using means-tested services.

Who Provides Services to Immigrants? Despite the fact that the federal government reaps the lion's share of immigrant tax dollars (approximately two-thirds), states and localities provide the bulk of services immigrants use—most notably education, health, and public assistance. As a result, states and localities often find themselves "shortchanged"—forced to provide services without sufficient revenue. The 1996 welfare reform law, which barred or restricted *legal immigrants'* access to most federal public benefits, exacerbated this dilemma by withholding even more federal funds for immigrants. In the wake of those dramatic changes, states and counties with high immigrant populations may end up "holding the bag" when it comes to providing for the care of these legal residents if they should fall on hard times.

Immigrant Tax Dollars

The vast majority of immigrants, including undocumented immigrants, contribute to the national coffers through Social Security deductions and income taxes. According to the Urban Institute, legal and undocumented immigrants combined pay approximately **$70.3 billion** per year in taxes—an amount far in excess of what they take out in services.

† *Acknowledgement: Much of the information contained in this document is based on materials produced by the National Immigration Law Center and research conducted by the Urban Institute.*

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Facts on Naturalization

"Naturalization" is the process by which eligible legal immigrants become U.S. citizens. Through the naturalization process, immigrants display a willingness to become full members of our society. The process is not an easy one. It requires that immigrants live in the U.S. for a certain number of years, learn our language, study our history and government, not commit serious crimes and show that they are of "good moral character" and, finally, swear allegiance to the United States. The application process itself usually takes six months or longer—not including the years of study that may be required in order to obtain knowledge of English and U.S. history and government.

The Naturalization Process

Eligibility: In order to naturalize, an individual must be at least 18 years of age, and must have lived in the U.S. as a legal permanent resident for at least five years. Immigrants who have been married to a U.S. citizen for three years and immigrants who have been active in the armed forces can generally naturalize after just three years. Immigrants must be of "good moral character," and must have their fingerprints checked by the FBI to determine if they have any criminal history. A person must also demonstrate an ability to speak, read, and write basic English and have a general understanding of U.S. government and history. Older permanent residents—those who are 50 years or older and have lived here as permanent residents for at least 20 years, and those who are 55 years or older and have lived here as permanent residents for at least 15 years—are exempt from the English requirement. Certain persons with disabilities are also exempt from the requirement to demonstrate a knowledge of U.S. history and government.

Interview and Citizenship Test: After submitting an application and fee to the Immigration and Naturalization Service (INS), an applicant is interviewed to determine if he or she meets the requirements for U.S. citizenship. To demonstrate English and civics proficiency, the applicant must pass either a standardized test or a test given by an INS examiner. The examiner test may involve answering several history and civics questions, reading a sentence or brief passage from an INS textbook, and writing a sentence dictated by the examiner.

Oath and Swearing In: All applicants must sign an Oath of Renunciation and Allegiance, giving up foreign allegiances and titles and swearing to support and defend the Constitution and laws of the U.S. The final step in the naturalization process is the swearing-in ceremony, which can take place before a judge, or in an INS administrative ceremony.

Rights and Responsibilities of New Citizens

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When an immigrant becomes a citizen, he or she acquires new rights. These include the right to:

- Vote, hold elective office, and sit on a jury;
- Apply for and hold certain government and private jobs requiring a security clearance;
- Bring immediate relatives to the U.S. without the long waits imposed by the immigration preference system;
- Travel abroad for unrestricted periods of time;
- Access restricted federal programs.

In recent years, a record number of immigrants have applied for U.S. citizenship. The growing demand led to a large backlog of naturalization applicants. Before the INS turned its attention to the problem, it was becoming increasingly common for an immigrant to wait for a year and a half between the time he or she turned in an application and the time he or she was approved for citizenship. With its "Citizenship USA" program, the INS—by a combination of increased staffing and resources and by working in partnership with private immigrant service groups—has reduced to six months the time immigrants must wait between submitting an application and receiving citizenship. In the foreseeable future, demand is likely to remain high. The INS will continue to be challenged to maintain the integrity of the naturalization process while at the same time making it even more efficient, so that newcomers choosing to become citizens may do so without undue delay.

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The A,B,Cs of U.S. Immigration

What is an Immigrant? An immigrant is a foreign-born individual who has been admitted to reside permanently in the United States as a lawful permanent resident (LPR).

How Do Immigrants Get Admitted to Permanently Reside Here? Typically a foreign-born individual seeking to become an LPR can attain legal status in one of two ways:

- Through **family-sponsored immigration**, a U.S. citizen can sponsor her spouse, foreign-born parent (if the sponsor is over the age of 21), minor and adult children, and brothers and sisters. A lawful permanent resident can sponsor her spouse, minor children, and adult unmarried children.

- Through **employment-based immigration**, a U.S. employer can sponsor someone for a specific position where there is a demonstrated absence of U.S. workers.

A small number of **diversity visas** are also awarded through a special lottery to individuals from specifically designated countries.

What is a refugee? A person *outside* of the United States who seeks protection on the grounds that he or she fears persecution in his or her homeland is a **refugee**. To attain refugee status, the person must prove that he or she has a "well-founded fear of persecution" on the basis of at least one of five specifically enumerated, and internationally recognized, grounds. Those grounds include the person's ① *race*, ② *religion*, ③ *membership in a social group*, ④ *political opinion*, or ⑤ *national origin*.

A person who has *already entered* the United States, and who fears persecution if sent back to his country, may apply for **asylum** here. Once granted asylum, the person is called an **"asylee."** Like a refugee, an asylum applicant must also prove that he has a "well-founded fear of persecution" based on the same enumerated grounds.

Both refugees and asylees may apply to become LPR's after one year.

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What is an Undocumented Immigrant? An undocumented immigrant is a person who is present in the United States without the permission of the U.S. government. Undocumented immigrants enter the U.S. either:

- Illegally, without being inspected by an immigration officer, or by using false documents; or

- Legally, with a temporary visa, and then remain in the U.S. beyond the expiration date of the visa. Four out of ten undocumented immigrants enter the U.S. legally.

What are Non-Immigrants? Non-immigrants are individuals who are permitted to enter the U.S. for a period of limited duration, and are given only temporary visas. Some non-immigrant (temporary) visas are given to: students, tourists, temporary workers, business executives, and diplomats.

What is a Naturalized Citizen? Lawful permanent residents are eligible to apply for U.S. citizenship through a process called **naturalization**. To qualify to naturalize, applicants must reside in the U.S. for 5 years (3 if they are married to a US. citizen) demonstrate a knowledge of U.S. history and government, show they have paid taxes, have committed no serious crimes, be of "good moral character," and demonstrate that they understand, speak, and write English.

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Fast Facts on Today's Newcomers

Did You Know That . . .

- Most immigrants—**over 85%**—come to the U.S. legally.
- Most legal immigrants, **about 8 out of 11**, come to join close family members.
- As of 1990, **about 8%** of the U.S. population was foreign-born. By comparison, from 1870 to 1920, the foreign born made up **approximately 15%** of the total population.
- A little more than **1.1 million** immigrants arrive in the U.S. each year. Of these, about **700,000** enter as lawful permanent residents and another **100,000-150,000** enter legally as refugees or others fleeing persecution. Roughly **300,000** undocumented immigrants (people without legal status) enter the U.S. each year.
- According to the 1990 Census, **6%** of all foreign-born Americans had entered the country as refugees or people seeking asylum from various kinds of persecution. Most refugees and asylum-seekers go through the process to become legal permanent residents as soon as they are eligible.
- **One-third** of immigrants living in the U.S. in 1990 were naturalized citizens and **nearly half** were legal permanent residents.
- Undocumented immigrants constitute about **1%** of the total U.S. population and roughly **13%** of the foreign-born population.
- Most undocumented immigrants don't come to the U.S. by crossing a border illegally. **Six out of 10** enter the U.S. legally with student, tourist, or business visas and become "illegal" when they stay in the U.S after their visas expire.

Where Do Immigrants Come From?

- In 1993, the "Top Ten" countries from which the U.S. received legal immigrants were: **Mexico** (109,027), **Mainland China** (65,552), the **Philippines** (63,189), **Vietnam** (59,613), the former **Soviet Union** (58,568), the **Dominican Republic** (44,886), **India** (40,021), **Poland** (27,729), **El Salvador** (25,517), and the **United Kingdom** (18,543).

Where Do Refugees Come From?

- In 1993, the "Top Ten" countries from which the U.S. received refugees were: the former **Soviet Union**, **Vietnam**, **Haiti**, **Laos**, **Somalia**, **Iraq**, **Cuba**, **Iran**, **Ethiopia**, and **Liberia**.

Sources:
Michael Fix and Jeffrey S. Passel, *Immigration and Immigrants, Setting The Record Straight* (Washington, DC: Urban Institute, 1994).
U.S. Immigration and Naturalization Service Statistics Division, *INS Fact Book: Summary of Recent Immigration Data* (Washington, DC: U.S. Department of Justice, June 1994).

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PAROLE - In certain cases, the Immigration Service will allow an individual in to the country, even though he or she may not appear to meet the conditions for gaining admission to the U.S. Such persons may be admitted for urgent humanitarian reasons or significant public benefit. Parolees are not formally admitted to the U.S., and are not eligible for the benefits received by refugees. Individuals, on a case-by-case basis, receive parole for a temporary period of time, though some may eventually become eligible to adjust to immigrant status while they are in the U.S.

NON-IMMIGRANT VISAS — "Non-immigrants" are tourists, students, and other persons who come temporarily to the U.S. on a visa. The total number of immigrants — family-sponsored, employment-based, and diversity immigrants — is small compared to the number of people who come here for short periods of time for pleasure, for business, for study, or for diplomacy. These *non-immigrants* outnumber immigrants by about 25 to 1 each year. In fiscal year 1994, more than 22 million persons came to this country temporarily, including:

17,155,000	Tourists
3,165,000	Business visitors
331,000	Transit aliens (foreign government officials, and others who are passing through the U.S. to another country or the United Nations Headquarters in New York)
394,000	Students
217,000	Exchange visitors (participating in programs approved by the Secretary of State such as teaching, researching, and consulting)
186,000	Temporary workers and trainees (registered nurses, seasonal agricultural workers, internationally recognized athletes, and entertainers)
141,000	Treaty traders and investors (who come temporarily to carry on substantial trade or to direct the operations of an enterprise in which they have invested a substantial amount of capital)
105,000	Foreign government officials (and families)
98,000	Intracompany transferees (who are employed by international companies and come to the U.S. temporarily for the same employer as a manager or executive, or who have specialized knowledge)
28,000	Representatives of foreign press, radio, film, or other foreign information media
8,000	Fiance(e)s of U.S. citizens

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Sources:

Immigration and Nationality Act, 102d Cong., 2d sess., April 1992.

U.S. Immigration and Naturalization Service, Statistical Yearbook of the Immigration and Naturalization Service, 1994 (Washington, DC: U.S. Government Printing Office, 1996)

U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin* 7, no. 35 (March 1994).

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Facts on Employment-Based Immigration

THE EMPLOYMENT PREFERENCE SYSTEM allows immigrants who have skills and talents needed in the United States to be admitted to work. Currently, immigration law allots **140,000** employment-based visas to immigrants.

How Does the System Work? Employment-based visas are divided into the following categories:

FIRST PREFERENCE:	Up to **40,000** visas a year may be issued to *priority workers*. People who have "extraordinary ability" or who are "outstanding professors and researchers" or "certain multinational executives and managers" fall into this category. In addition, any visas left over from the fourth and fifth preferences (see below) are added to this category.
SECOND PREFERENCE:	Up to **40,000** visas a year (plus any visas left over from the first preference) may be issued to persons who are "members of the professions holding advanced degrees or aliens of exceptional ability."
THIRD PREFERENCE:	Up to **40,000** visas a year (plus any visas left over from the first and second preferences) may be issued to *skilled workers, professionals, and other workers*. The *other workers* category covers workers who are "capable of performing unskilled labor," and who are not temporary or seasonal. Workers in this category are limited to **10,000** visas per year. *Skilled workers* must be capable of performing skilled labor requiring at least two years training or experience.
FOURTH PREFERENCE:	Up to **10,000** visas a year may be issued to certain special immigrants, including ministers, religious workers and others.
FIFTH PREFERENCE:	Up to **10,000** visas a year may be issued to persons who have between $500,000 and $3 million dollars to invest in a job-creating enterprise in the U.S. At least 10 U.S. workers must be employed by each investor. The amount of money can vary depending on which area of the country will benefit from the investment. If the investor alien fails to meet the conditions specified, he or she can lose permanent resident status.

How Are U.S. Workers Protected? Before visas can be issued in the second and third preference categories, the employers must first obtain a "labor certification" from the U.S. Department of Labor confirming that there are not sufficient U.S. workers who are able, qualified, and willing to perform the work. The Labor Department must also confirm that employment of the alien will not adversely affect the wages and working conditions of U.S. workers.

The law further provides that when applying for a labor certification, the employer must provide notice to the union representing the employer's employees or to other workers at the site. Any member of the public may challenge an application for a labor certification by showing that sufficient U.S. workers are available to perform the work or by demonstrating that the employer is offering wages or working conditions that adversely affect U.S. workers.

How Long Does It Take? There are essentially no delays in obtaining visas in any of the preference categories with the exception of the third preference, *other workers*. Successful applicants in that category can expect to wait in excess of ten years to receive their visa.

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Sources:

Immigration and Nationality Act, 102d Cong., 2d sess., April 1992.

U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin*, no. 70, vol. VII (January 1997).

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How Are U.S. Workers Protected? Before visas can be issued in the second and third preference categories, the employers must first obtain a "labor certification" from the U.S. Department of Labor confirming that there are not sufficient U.S. workers who are able, qualified, and willing to perform the work. The Labor Department must also confirm that employment of the alien will not adversely affect the wages and working conditions of U.S. workers.

The law further provides that when applying for a labor certification, the employer must provide notice to the union representing the employer's employees or to other workers at the site. Any member of the public may challenge an application for a labor certification by showing that sufficient U.S. workers are available to perform the work or by demonstrating that the employer is offering wages or working conditions that adversely affect U.S. workers.

How Long Does It Take? There are virtually no delays in obtaining visas in any of the preference categories with the exception of the third preference, *other workers.* Successful applicants in that category can expect to wait approximately six years to receive their visas.

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Sources:
Immigration and Nationality Act, 102d Cong., 2d sess., April 1992.
U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin* 7, no. 42 (October 1994).

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Facts on Other INS Categories

Family-sponsored and employment-based immigration are the major INS categories. However, the INS also allows people to be in the U.S. under several other categories, including the diversity visa lottery program, which permits people to enter the U.S. from countries that send relatively few immigrants; the "refugee-like" category of Temporary Protected Status, which grants temporary safe-haven to immigrants already in the U.S. from countries suffering from turbulent conditions; "parole," by which the INS admits persons for special humanitarian reasons; and the "non-immigrant" visa categories for temporary visitors such as tourists and students.

DIVERSITY VISAS — In 1990, Congress established an annual "diversity visa" lottery program to encourage immigration from countries that send fewer immigrants to the U.S. than other countries. Those lucky enough to win a diversity visa are permitted to come to the U.S. to reside permanently, solely on the basis of their native country's designation by the U.S. State Department. This lottery program is much simpler than other immigration programs and works like this:

1. The State Department designates which countries' residents are eligible to enter the lottery.

2. Currently, the State Department has excluded residents from the 14 countries that send the highest number of immigrants each year. These are: China (mainland and Taiwan), India, The Philippines, Vietnam, South Korea, Poland, United Kingdom and dependent territories (except Northern Ireland), Canada, Mexico, Jamaica, El Salvador, Colombia, and The Dominican Republic.

3. Residents from eligible countries must either have a high school education or its equivalent *or* within the past five years, have two years of work experience in an occupation that requires at least two years of training or experience.

4. Applicants enter the lottery with a chance to receive one of the 55,000 randomly awarded "diversity visas." The State Department then reviews those that are selected to ensure that they meet the above criteria.

The first lottery was in 1994 takes place annually.

TEMPORARY PROTECTED STATUS (TPS) — Congress has authorized the U.S. Attorney General to grant Temporary Protected Status (TPS) eligibility to residents of countries in crisis who are presently in the U.S. The Attorney General may designate a country for TPS if the people from that country who are currently in the U.S. would face "on-going armed conflict," natural disaster, or "extraordinary temporary conditions" if they were to be returned to their home country. The INS will grant TPS to those who can prove they are from a designated country, and that they were present in the U.S. on or before the date the Attorney General made the designation. A country's designation of Temporary Protected Status may last for 6, 12, or 18 months. Persons with TPS will not be deported from the U.S., and may live and work legally in the U.S. until the designated period expires. TPS can be renewed if the Attorney General determines that unsafe conditions in the country persist.

As of December, 1996, nationals of four countries have TPS status: Liberia, Somalia, Bosnia, and Rwanda.

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Facts on Other INS Categories

Family-sponsored and employment-based immigration are the major INS categories. However, the INS also allows people to be in the U.S. under several other categories: 1) the diversity visa lottery program which permits people to enter the U.S. from countries that send relatively few immigrants; 2) the "refugee-like" categories of Temporary Protected Status and Deferred Enforced Departure which grant temporary safe-haven to immigrants already in the U.S. from countries suffering from turbulent conditions; and 3) the "non-immigrant" visa category for temporary visitors such as tourists and students.

DIVERSITY VISAS — In 1990, Congress established an annual "diversity visa" lottery program to encourage immigration from countries that send fewer immigrants to the U.S. than other countries. Those lucky enough to win a diversity visa are permitted to come to the U.S. to reside permanently, solely on the basis of their native country's designation by the U.S. State Department. This lottery program is much simpler than other immigration programs and works like this:

1. The State Department designates which countries' residents are eligible to enter the lottery.

2. Currently, the State Department has excluded residents from the 12 countries that send the highest number of immigrants each year. These are: Canada, China, the Dominican Republic, El Salvador, India, Jamaica, Mexico, the Philippines, South Korea, Taiwan, the United Kingdom, and Vietnam.

3. Residents from eligible countries must prove they have at least the equivalent of a high school education or at least two years previous work experience in a position requiring, at minimum, two years of training or experience.

4. Applicants enter the lottery with a chance to receive one of the 55,000 randomly awarded "diversity visas." The State Department then reviews those that are selected to ensure that they meet the above criteria.

The first lottery was in 1994 and will take place again each year.

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TEMPORARY PROTECTED STATUS (TPS) — Congress has authorized the U.S. Attorney General to grant Temporary Protected Status (TPS) eligibility to residents of countries in crisis who are presently in the U.S. The Attorney General may designate a country for TPS if the people from that country who are currently in the U.S. would face "on-going armed conflict," natural disaster, or "extraordinary temporary conditions" if they were to be returned to their home country. The INS will grant TPS to those who can prove they are from a designated country, and that they were present in the U.S. on or before the date the Attorney General made the designation. A country's designation of Temporary Protected Status may last for 6 to 18 months. Persons with TPS will not be deported from the U.S., and may live and work legally in the U.S. until the designated period expires. TPS can be renewed if the Attorney General determines that unsafe conditions in the country persist.

As of September 1994, four countries have TPS status: Liberia, Somalia, Bosnia, and Rwanda.

DEFERRED ENFORCED DEPARTURE (DED) — Deferred Enforced Departure is very similar to Temporary Protected Status. DED protects people from deportation and provides work authorization on the basis of a finding that conditions in a given country are dangerous. Unlike TPS however, the determination that DED is justified is decided by the President under his executive authority, not on the basis of a law passed by Congress. A designation of DED is not subject to any designation period. As is the case with TPS applicants, DED applicants must prove their nationality and their presence in the U.S. on or before the date of the President's declaration of DED.

As of September 1994, only certain nationals from El Salvador have DED.

NON-IMMIGRANT VISAS — "Non-immigrants" are tourists, students, and other persons who come temporarily to the U.S. on a visa. The total number of immigrants — family-sponsored, employment-based, and diversity immigrants — is small compared to the number of people who come here for short periods of time for pleasure, for business, for study, or for diplomacy. These *non-immigrants* outnumber immigrants by about 25 to 1 each year. In fiscal year 1992, nearly 21 million persons came to this country temporarily, including:

16,450,000	Tourists
2,788,000	Business visitors
346,000	Transit aliens (foreign government officials, and others who are passing through the U.S. to another country or the United Nations Headquarters in New York)
241,000	Students
190,000	Exchange visitors (participating in programs approved by the Secretary of State such as teaching, researching, and consulting)
163,000	Temporary workers and trainees (registered nurses, seasonal agricultural workers, internationally recognized athletes, and entertainers)
152,000	Treaty traders and investors (who come temporarily to carry on substantial trade or to direct the operations of an enterprise in which they have invested a substantial amount of capital)
103,000	Foreign government officials
75,000	Intracompany transferees (who are employed by international companies and come to the U.S. temporarily to work for the same employer as a manager or executive, or who have specialized knowledge)
22,000	Representatives of foreign press, radio, film, or other foreign information media
9,000	Fiance(e)s of U.S. citizens

Sources:

Immigration and Nationality Act, 102d Cong., 2d sess., April 1992.

U.S. Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service, 1992* (Washington, DC: U.S. Government Printing Office, 1993).

U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin* 7, no. 35 (March 1994).

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Immigrants in the News

The following list contains the names of first generation immigrants who have left their homelands to reside in the United States. The contributions of these and other immigrants have enriched our culture, advanced our sciences, and enthralled us throughout the years.

MADELEINE ALBRIGHT, U.S. Secretary of State (Czechoslovakia) • **ISABEL ALLENDE**, author, "House of the Spirits" (Peru — Chilean descent) • **MARIO ANDRETTI**, race car driver (Italy) • **ANN-MARGRET**, actress/singer, *Grumpy Old Men* (Sweden) • **CLIVE BARNES**, drama and dance critic (England) • **MIKHAIL BARYSHNIKOV**, ballet dancer/actor (Russia) • **SAUL BELLOW**, Nobel Prize-winning author, *It All Adds Up* (Canada) • **ZBIGNIEW BRZEZINSKI**, former National Security Advisor (Poland) • **DAVID BYRNE**, musician, Talking Heads (Scotland) • **JOAN CHEN**, actress, *Joy Luck Club* (China) • **LIZ CLAIBORNE**, fashion designer (Belgium) • **JAIME ESCALANTE**, educator, *Stand and Deliver* (Bolivia) • **GLORIA ESTEFAN**, singer/songwriter (Cuba) • **PATRICK EWING**, basketball player, New York Knicks (Jamaica) • **MAX FRANKEL**, Executive Editor, *New York Times* (Germany) • **ANDY GARCIA**, actor, *Hero* (Cuba) • **ROBERTO GOIZUETA**, Chair and Chief Executive Officer, Coca-Cola Corporation (Cuba) • **WAYNE GRETZKY**, hockey player, New York Rangers (Canada) • **ANDREW GROVE**, CEO, Intel Corporation (Hungary) • **LE LY HAYSLIP**, author, *When Heaven and Earth Change Places* (Vietnam) • **DR. DAVID HO**, AIDS researcher (Taiwan) • **PETER JENNINGS**, network television anchor, *ABC World News Tonight* (Canada) • **BELA KAROLYI**, Olympic medalist producing gymnastic coach (Romania) • **HENRY KISSINGER**, former Secretary of State (Germany) • **TED KOPPEL**, network television anchor, *Nightline* (England) • **ELISABETH KUBLER-ROSS**, physician/author, *On Death and Dying* (Switzerland) • **ANGELA LANSBURY**, actress, *Murder She Wrote* (England) • **BETTE BAO LORD**, author, *Legacies* (China) • **YO-YO MA**, cellist (France — Chinese descent) • **ROBERT MACNEIL**, former network television anchor, *MacNeil-Lehrer News Hour* (Canada) • **PETER MAX**, artist (Germany) • **ZUBIN MEHTA**, conductor (India) • **GIAN CARLO MENOTTI**, composer (Italy) • **MIDORI**, classical violinist (Japan) • **NATHAN MILSTEIN**, concert violinist (Russia) • **RICARDO MONTALBAN**, actor, "Fantasy Island" (Mexico) • **JOSIE NATORI**, fashion designer (Philippines) • **MARTINA NAVRATILOVA**, tennis player (Czechoslovakia) • **LOUISE NEVELSON**, sculptor (Russia) • **MIKE NICHOLS**, Academy Award-

winning director, *The Graduate* (Germany) • **HAKEEM OLAJUWON**, basketball player, Houston Rockets (Nigeria) • **CLAES OLDENBURG**, artist (Sweden) • **YOKO ONO**, vocalist/songwriter/performance artist (Japan) • **SEIJI OZAWA**, music director (China — Japanese descent) • **FRANK OZ**, puppeteer/film director, *Little Shop of Horrors* (England) • **RAFAEL PALMIERO**, baseball player, Baltimore Orioles (Cuba) • **I.M. PEI**, architect (China) • **CESAR PELLI**, architect/educator (Argentina) • **ITZHAK PERLMAN**, violinist (Israel) • **SIDNEY POITIER**, Academy Award-winning actor, *Lillies of the Field* (Bahamas) • **ANDRE PREVIN**, pianist/conductor/composer (Germany) • **ANTHONY QUINN**, Academy Award-winning actor, *Lust for Life* (Mexico) • **JHOON GOO RHEE**, Judo expert (Korea) • **MORLEY SAFER**, network television co-host, *60 Minutes* (Canada) • **CARLOS SANTANA**, rock/jazz guitarist (Mexico) • **ARNOLD SCHWARZENEGGER**, actor/body builder, *Terminator* (Austria) • **JON SECADA**, singer (Cuba) • **JOHN SHALIKASHVILI**, Chairman, Joint Chiefs of Staff (Poland) • **WILLIAM SHATNER**, actor, *Star Trek* (Canada) • **GENE SIMMONS**, rock musician, KISS (Israel) • **YAKOV SMIRNOFF**, comedian (Russia) • **SAUL STEINBERG**, artist (Romania) • **ISAAC STERN**, violinist (Russia) • **SHOJI TABUCHI**, country/western entertainer (Japan) • **ELIZABETH TAYLOR**, Academy Award-winning actress, *Who's Afraid of Virginia Woolf?* (Britain) • **CHANG-LIN TIEN**, U.C. Berkeley Chancellor (China) • **ALEX TREBEK**, game show host, *Jeopardy* (Canada) • **ALEXANDER TROTMAN**, Chair and Chief Executive Officer, Ford Corporation (Britain) • **EDDIE VAN HALEN**, rock guitarist/musician (Netherlands) • **DEREK WALCOTT**, Nobel prize-winning poet (St. Lucia) • **DR. RUTH WESTHEIMER**, psychologist/television personality (Germany) • **ELIE WIESEL**, author/Nobel Prize winner for Peace/Holocaust survivor (Romania) • **BILLY WILDER**, Academy Award-winning director, *The Apartment* (Austria) • **NEIL YOUNG**, musician/songwriter (Canada) • **PINCHAS ZUKERMAN**, concert violinist (Israel)

Sources:
Who's Who in America, 48th ed., (New Providence, NJ: Marquis Who's Who, 1994).
Emily J. McMurray, ed., *Contemporary Theatre, Film, and Television* (Detroit: Gale Research Inc., 1994).
Nicolas Slonimsky, ed., *Baker's Biographical Dictionary of Musicians*, 8th ed., (New York: Schirmer Books, 1992).
Sydney Poitier, *This Life*, (New York: Ballantine Books, 1981).

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(Czechoslovakia) • **Louise Nevelson**, sculptor (Russia) • **Dustin Nguyen**, actor, *21 Jump Street* (Vietnam) • **Mike Nichols**, Academy Award-winning director, *The Graduate* (Germany) • **Hakeem Olajuwon**, basketball player, Houston Rockets (Nigeria) • **Claes Oldenburg**, artist (Sweden) • **Yoko Ono**, vocalist/songwriter/performance artist (Japan) • **Seiji Ozawa**, music director (China—Japanese descent) • **Frank Oz**, puppeteer/film director, *Little Shop of Horrors* (England) • **I.M. Pei**, architect (China) • **Cesar Pelli**, architect/educator (Argentina) • **Itzhak Perlman**, violinist (Israel) • **Sidney Poitier**, Academy Award-winning actor, *Lillies of the Field* (Bahamas) • **Andre Previn**, pianist/conductor/composer (Germany) • **Anthony Quinn**, Academy Award-winning actor, *Lust for Life* (Mexico) • **Jhoon Goo Rhee**, Judo expert (Korea) • **Morley Safer**, network television co-host, *60 Minutes* (Canada) • **Carlos Santana**, rock/jazz guitarist (Mexico) • **Arnold Schwarzenegger**, actor/body builder, *Terminator* (Austria) • **Jon Secada**, singer (Cuba) • **John Shalikashvili**, Joint Chiefs of Staff Chair (Poland) • **William Shatner**, actor, *Star Trek* (Canada) • **Gene Simmons**, rock musician, KISS (Israel) • **Yakov Smirnoff**, comedian (Russia) • **Saul Steinberg**, artist (Romania) • **Isaac Stern**, violinist (Russia) • **Shoji Tabuchi**, country/western entertainer (Japan) • **Elizabeth Taylor**, Academy Award-winning actress, *Who's Afraid of Virginia Woolf?* (Britain) • **Chang-Lin Tien**, U.C. Berkeley Chancellor (China) • **Alex Trebek**, game show host, *Jeopardy* (Canada) • **Alexander Trotman**, Chair and Chief Executive Officer, Ford (Britain) • **Eddie Van Halen**, rock guitarist/musician (Netherlands) • **Derek Walcott**, Nobel Prize-winning poet (St. Lucia) • **Dr. Ruth Westheimer**, psychologist/television personality (Germany) • **Elie Wiesel**, author/Nobel Prize winner for Peace/Holocaust survivor (Romania) • **Billy Wilder**, Academy Award-winning director, *The Apartment* (Austria) • **Neil Young**, musician/songwriter (Canada) • **Pinchas Zukerman**, concert violinist (Israel)

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Facts on Refugees and Asylees

What's the Difference between a Refugee and an Asylee? Refugees and asylees are people seeking protection in the U.S. on the grounds that they fear persecution in their homeland. A refugee applies for protection while *outside* the United States. An "asylee" differs from a refugee because the person *first* comes to the United States and, once here, applies for protection. Refugees generally apply in refugee camps or at designated processing sites outside their home countries. In some instances, refugees may apply for protection within their home countries, such as in the former Soviet Union, Cuba, and Vietnam. If accepted as a refugee, the person is sent to the U.S. and receives assistance through the "refugee resettlement program."

How Many Refugees Does the U.S. Accept? The United States only accepts a certain number of refugees each year. This number is determined by the President in consultation with Congress. In fiscal year 1997, for example, 78,000 refugees will be permitted to come to the U.S. The total number of "refugee slots" is divided among different regions of the world. In 1997, the regions and the numbers of slots will be:

- Africa—7,000
- East Asia—10,000
- Eastern Europe and the former Soviet Union—48,000
- Latin America and the Caribbean—4,000
- the Near East (southwestern Asia and the Middle East)—4,000
- Unallocated reserve—5,000 (these may be allocated to refugees fleeing unforseen trouble which may arise during the course of the year)

The Department of State then determines from which countries within these regions the U.S. will accept refugees. For example, in 1997, the only nationalities designated from Africa are Somalians, Sudanese, Berundians, and Liberians.

How Does Someone Gain Refugee Status Here? To qualify for refugee resettlement in the U.S., a person must come from a "refugee sending" country designated by the Department of State. The person must meet the definition of a "refugee" by proving that she has a "well-founded fear of persecution." The refugee applicant must prove this fear is based on the possibility of persecution because of her *race, religion, membership in a social group, political opinion, or national origin.*

In addition to the above requirements, a refugee must fit into one of a set of "priority" categories:

- FIRST PRIORITY: Persons referred by the United Nations High Commissioner for Refugees (UNHCR) or identified by the U.S. Embassy as being in immediate danger of loss of life, or cases of "compelling security concern" in countries to which they first fled, such as persons who may be in refugee camps that are under armed attack. Also in this priority are cases referred by UNHCR including women at risk, victims of violence or torture, persons in urgent need of medical treatment, and individuals for whom there is no realistic prospect of ever being integrated into the country to which they first fled or of returning to their home country.

- SECOND PRIORITY: Within certain nationalities, members of specific groups of special concern to the U.S. For example in fiscal 1997, from Laos, the State Department has identified Hmong and Lowland Lao who are in refugee camps in Thailand as groups of special concern to the U.S.

- THIRD PRIORITY: Spouses, parents, and unmarried sons and daughters of U.S. permanent resident aliens, refugees, asylees, conditional residents or "parolees." Unmarried sons and daughters of U.S. citizens and parents of U.S. citizens who are under 21 years of age.

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- FOURTH PRIORITY: Married sons and daughters, siblings, grandparents, or other more distant relatives of U.S. citizens and U.S. permanent resident aliens, refugees, asylees, conditional residents or parolees.

For each region or country, the State Department decides which priorities will be considered; not all priorities are considered for all countries.

What Benefits Do Refugees Recieve? The circumstances under which refugees leave their country are different from other immigrants. Usually, they do not have the luxury of bringing personal possessions or preparing themselves for life in a new culture. Recognizing this fact, the federal government provides transitional resettlement assistance to newly arrived refugees.

- Private voluntary agencies contract with the Department of State to provide certain essential services for newly arriving refugees. These agencies generally have affiliates located throughout the country or concentrated in particular regions of the U.S. For the first 90 days, the voluntary agency arranges for a refugee's food, housing, employment, medical care, counseling, and other services to help the refugee make the transition to economic self-sufficiency.

- Certain refugees are entitled to a special program of Refugee Cash and Medical Assistance, provided by the U.S. Department of Health and Human Services and administered by the state in which the refugee resides. Currently, refugees are eligible for this program for up to eight months after arrival in the U.S.

- After refugees have been in the U.S. for one year, they are eligible to become permanent residents. There is no limit to the number of refugees who may become permanent residents each year.

- A refugee can apply to have her spouse and unmarried minor children join her in the U.S.

How Does Someone Become an Asylee? Like a refugee, an asylum applicant must also prove that he has a "well-founded fear of persecution" based on his *race, religion, membership in a social group, political opinion, or national origin*. Once granted asylum, the person is called an "asylee."

Individuals **inside the U.S.** may apply for asylum in one of two ways. The application may be submitted **"affirmatively"** when it is done directly to one of the seven asylum offices in the U.S. An interview with a specially-trained asylum officer follows to review the case. A "defensive" application is submitted as a way to prevent deportation **when an asylum seeker is in deportation** proceedings. In defensive cases, the application is decided by an immigration judge. In either instance, the application must be submitted within one year of entry to the U.S., or the person will be found automatically ineligible. Exceptions are allowed for extraordinary circumstances. While there is no limit on the number of people who may *apply* for asylum, of those applicants who apply based on a claim of persecution for coercive family planning reasons, only 1,000 per year may be *granted*. In 1995, nearly 15,000 asylum cases were granted. After a year, an asylee may apply for permanent resident status. Only 10,000 asylees each year are allowed to become permanent residents.

Individuals seeking to apply for asylum **upon arriving at a U.S. airport or other port of entry** are subject to a recently-created summary exclusion system. If an asylum seeker arrives with false or no documents, he must establish a fear of persecution at an on-the-spot interview before an immigration officer, or face immediate deportation. An immigration judge may review a negative decision within seven days.

Sources:
U.S. Committee for Refugees, *Refugee Reports*, Vol. XVI, No. 12, December 31, 1995.
Departments of State, Justice, and Health and Human Services, *Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1997*, Submitted on behalf of the President of the United States to the Committees on the Judiciary, U. S. Senate and U.S. House of Representatives, July, 1996.
Presidential Determination No. 96-59, *Federal Register*, Vol. 61, No. 214, November 4, 1996 (Washington, DC: U.S. Government Printing Office).

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Facts on Refugees and Asylees

What's the Difference between a Refugee and an Asylee? Refugees and asylees are people seeking protection from the U.S. on the grounds that they fear persecution in their homeland. A refugee applies for protection while *outside* the United States. An "asylee" differs from a refugee because the person *first* comes to the United States and, once here, applies for protection. Refugees generally apply in refugee camps or at designated processing sites outside their home countries. In some instances, refugees may apply for protection within their home countries, such as in Haiti, Cuba, and the former Soviet Union. If accepted as a refugee, the person is sent to the U.S. and receives assistance through the "refugee resettlement program."

How Does Someone Gain Refugee Status Here? To qualify for refugee resettlement in the U.S., a person must come from a "refugee sending" country designated by the Department of State. The person must meet the definition of a "refugee" by proving that she has a "well-founded fear of persecution." The refugee applicant must prove this fear is based on the possibility of persecution because of her:

race,
religion,
membership in a social group,
political opinion, or
national origin.

In addition to the above requirements, a refugee must fit into one of a set of "priority" categories:

- **First Priority**: Persons referred by the United Nations High Commissioner for Refugees (UNHCR) or identified by the U.S. Embassy as being in immediate danger of loss of life, or cases of "compelling concern" (such as former political prisoners). Cases referred by UNHCR, including women at risk, victims of violence or torture, persons in urgent need of medical treatment, and individuals for whom there is no realistic prospect of ever being integrated into the country to which they first fled or of returning to their home country. Also in this priority category are groups which the State Department determines to be of special concern to the U.S. (For Fiscal Year 1995, for example, Iranians who belong to religious minorities have been cited by the State Department as a group of special concern.)

- **Second Priority**: Spouses, parents, and unmarried sons and daughters of U.S. permanent resident aliens, refugees, or asylees. Unmarried sons and daughters of U.S. citizens and parents of U.S. citizens who are under 21 years of age.

- **Third Priority**: Married sons and daughters and siblings of U.S. citizens and U.S. permanent resident aliens, refugees, or asylees.

- **Fourth Priority**: Grandparents or other more distant relatives of U.S. citizens and permanent resident aliens, refugees, or asylees.

For each designated country, the State Department decides which priorities will be considered; not all priorities are considered for all countries. For example, Muslims from Bosnia-Hercegovina fitting into any of the four priorities may be considered, but a person from Liberia may only be considered under Priority One.

What Benefits Do Refugees Receive? The circumstances under which refugees leave their country are different from other immigrants. Usually, they do not have the luxury of bringing personal possessions or preparing themselves for life in a new culture. Recognizing this fact, the federal government provides transitional resettlement assistance to newly arrived refugees.

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- Private voluntary agencies contract with the Department of State to provide certain essential services for newly arriving refugees. These agencies generally have affiliates located throughout the country or concentrated in particular regions of the U.S. For the first 90 days, the voluntary agency arranges for a refugee's food, housing, employment, medical care, counseling, and other services to help the refugee make the transition to economic self-sufficiency.

- Refugees are entitled to cash and medical assistance, provided by the state in which they reside. For eight months, the federal government reimburses states for the assistance provided to refugees.

- After refugees have been in the U.S. for one year, they are eligible to become permanent residents. There is no limit to the number of refugees who may become permanent residents each year.

- A refugee can apply to have her spouse and unmarried minor children join her in the U.S.

How Many Refugees Does the U.S. Accept? The United States only accepts a certain number of refugees each year. This number is determined by the President in consultation with Congress. In fiscal year 1995 for example, 110,000 refugees will be permitted to come to the U.S. The total number of "refugee slots" is divided among different regions of the world. In 1995, the regions and the numbers of slots will be:

- Africa—7,000
- East Asia—40,000
- Eastern Europe and the former Soviet Union—48,000
- Latin America and the Caribbean—8,000
- the Near East (southwestern Asia and the Middle East)—5,000
- Unallocated reserve—2,000 (these may be allocated to refugees fleeing unforseen trouble which may arise during the course of the year)

The Department of State then determines from which countries within these regions the U.S. will accept refugees. For example, in 1995, the only nationalities designated from Latin America and the Caribbean are Cubans and Haitians.

How Does Someone Become an Asylee? A person who has already entered the United States, and who fears persecution if sent back to his country, may apply for asylum here. Once granted asylum, the person is called an "asylee." Like a refugee, an asylum applicant must also prove that he has a "well-founded fear of persecution" based on his:

race,
religion,
membership in a social group,
political opinion, or
national origin.

A person may apply for asylum in one of two ways. He may apply *affirmatively* **when he directly submits** his application to one of the seven asylum offices in the U.S. and requests an interview with a specially trained asylum officer to review his case. A "defensive" application is submitted as a way to prevent deportation **when an asylum seeker is in deportation proceedings.** In defensive cases, the application is decided by an immigration judge. There is no limit to how many people may apply for political asylum. In 1992, nearly 4,000 people were *granted* asylum status. After a year, an asylee may apply for permanent resident status. Only 10,000 asylees each year are allowed to become permanent residents.

Sources:
United Nations High Commissioner for Refugees, *Overview of U.S. Refugee Resettlement*, (Washington, DC, October 1992).
U.S. Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service, 1992* (Washington, DC: U.S. Government Printing Office, 1993).
Departments of State, Justice, and Health and Human Services, *Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1995*, Submitted with the World Refugee Report on behalf of the President of the United States to the Committees on the Judiciary, U. S. Senate and U.S. House of Representatives, in fulfillment of the requirements of section 207(E)(1)-(&) of the Immigration and Nationality Act, September, 1994.

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Fast Facts on Where Immigrants Live

Did You Know That . . .

- The vast majority of immigrants settle in urban areas. In 1990, 93% of foreign-born Americans lived in metropolitan areas, compared with 73% of native-born Americans.
- In the 1980s, three-quarters of all immigrants entering the U.S. settled in six states: California, New York, Texas, Florida, New Jersey, and Illinois.
- The foreign-born population is growing rapidly in other states as well. For example, Massachusetts has over one-half million foreign-born residents, close to 40% of whom entered between 1980 and 1990.
- Even North Carolina, Georgia and Minnesota—states not traditionally associated with immigration—now have over 100,000 foreign-born residents, half of whom entered between 1980 and 1990.

States with the Largest Foreign Born Population

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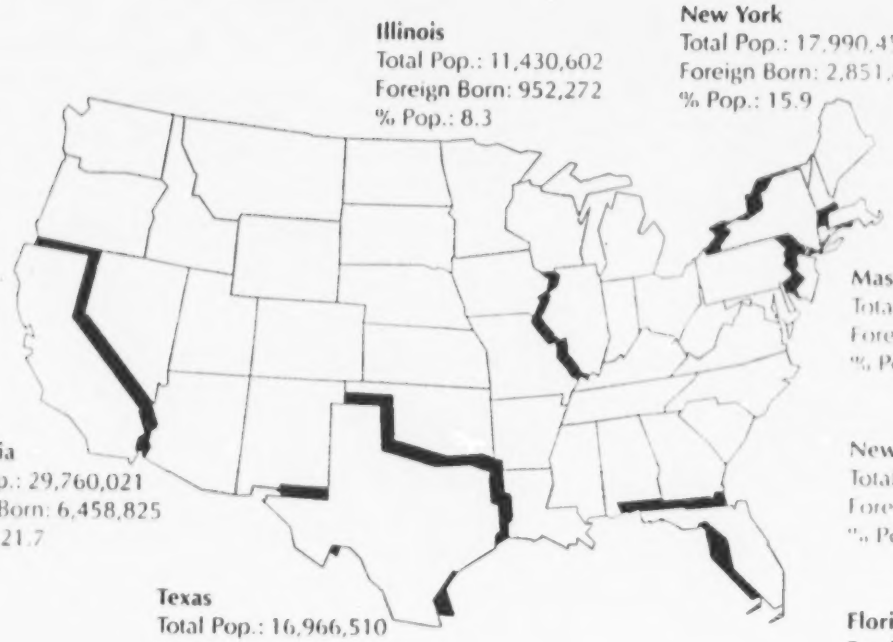

Illinois
Total Pop.: 11,430,602
Foreign Born: 952,272
% Pop.: 8.3

New York
Total Pop.: 17,990,455
Foreign Born: 2,851,861
% Pop.: 15.9

Massachusetts
Total Pop.: 6,016,425
Foreign Born: 573,733
% Pop.: 9.5

New Jersey
Total Pop.: 7,730,188
Foreign Born: 966,610
% Pop.: 12.5

California
Total Pop.: 29,760,021
Foreign Born: 6,458,825
% Pop.: 21.7

Texas
Total Pop.: 16,966,510
Foreign Born: 1,524,436
% Pop.: 9.0

Florida
Total Pop.: 12,937,926
Foreign Born: 1,662,601
% Pop.: 12.9

Source: U.S. Census, 1990

Sources:

Susan Lapham, *The Foreign Born Population in the United States: 1990* (Washington, DC: U.S. Bureau of the Census, Population Division, Ethnic and Hispanic Branch).

Michael Fix and Jeffrey S. Passel, *Immigrants and Immigration, Setting The Record Straight* (Washington, DC: Urban Institute, 1994).

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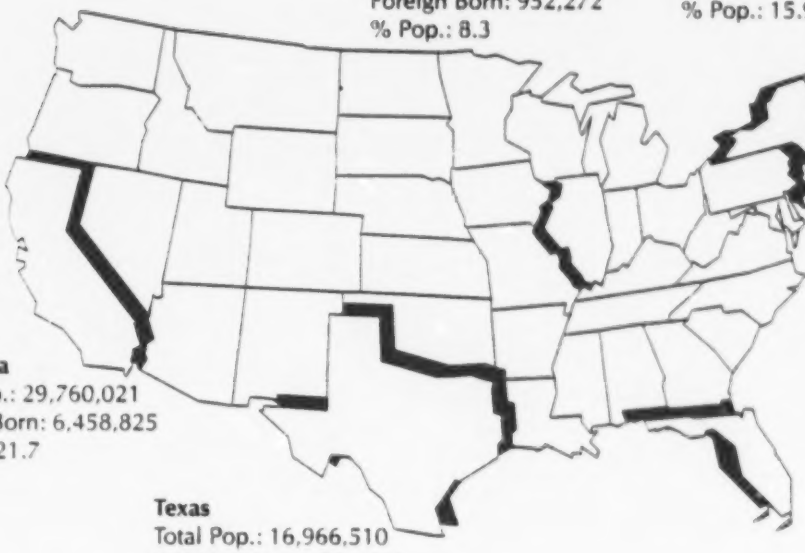

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Facts on Family-Sponsored Immigration

FAMILY IMMIGRATION is how U.S. citizens and lawful permanent residents bring family members from other countries to live permanently in the U.S. Citizens may only bring their spouses, unmarried children, parents (if the citizen is over 21 years), married children; and brothers and sisters (if the citizen is over 21 years). Lawful permanent residents (LPRs) may only bring their spouses and unmarried minor and adult children. To begin the process, the citizen or LPR must file a petition with the Immigration and Naturalization Service, seeking an "immigrant visa" for the family member. All citizens or LPRs wishing to petition for a family member must also earn at least 125% of the poverty level and, beginning sometime in 1997, sign a legally enforceable affidavit of support to that effect. Petitioners are allowed to get another person to co-sign the affidavit of support on behalf of the immigrant to satisfy this financial requirement.

FAMILY MEMBERS ELIGIBLE FOR SPONSORSHIP

CITIZENS may sponsor:	LPRs may sponsor:
spouses	spouses
unmarried children	unmarried children
parents	
married children	
brothers and sisters	

The INS divides the family members eligible for sponsorship into two tiers: 1) those who are "immediate relatives" of U.S. citizens and receive an unlimited number of visas each year, and 2) the rest, who fall into the "family preference system" which places an annual maximum limit of 226,000 visas issued to these relatives. Visas are not permitted to bring in more distant family members, such as aunts, uncles, and cousins.

FAMILY-SPONSORED IMMIGRANTS ENTER AS EITHER IMMEDIATE RELATIVES OF U.S. CITIZENS, OR THROUGH THE FAMILY PREFERENCE SYSTEM

Immediate relatives are the:
spouses, unmarried minor children, and parents
of U.S. citizens

who receive
an unlimited number of visas each year
(approximately 235,000 have been issued annually in recent years)

The Family Preference System allows in:
unmarried and married adult children, and brothers and sisters
of U.S. citizens

and

spouses and unmarried minor and adult children
of LPRs

(these relatives are eligible for a maximum of 226,000 visas each year)

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Under the FAMILY PREFERENCE SYSTEM, visas are distributed among four different categories (called "preferences"), with the first receiving top priority.

THE FAMILY PREFERENCE SYSTEM

U.S. SPONSOR	RELATIONSHIP	PREFERENCE #	VISAS ALLOCATED
U.S. Citizen	unmarried adult children (21 years or older)	1st Preference	23,400 visas/year, plus any visas left from the 4th Preference
LPR	spouses and minor children	2nd A Preference	87,900 visas/year
LPR	unmarried adult children (21 years or older)	2nd B Preference	26,300 visas/year
U.S. Citizen	married adult children	3rd Preference	23,400 visas/year, plus any left over from the 1st and 2nd Preferences
U.S. Citizen (21 years or older)	brothers and sisters	4th Preference	65,000 visas/year, plus any left over from the previous Preferences

The second preference has two categories that provide a total of 114,200 visas per year, plus any left over from the first preference. U.S. law also limits the number of visas that may be issued to any one country in a year.

This "per-country ceiling" (about 25,600 visas) represents the total number of family preference and employment-based visas that may be issued.

When Visas Are Not Available: The law requires that preference visas be issued to eligible immigrants in the order the petitions are filed. When there are more applicants applying for visas in a preference category than there are visas available, the preference category is considered "over-subscribed." Applicants must then wait until a visa becomes available before they can immigrate to the United States. Currently, waits can be up to almost eleven years depending on the preference category. In most cases, family members must wait outside the United States until a visa is available, and thus remain separated from their families. Control over the order and numbers of visas granted in each preference category remains in effect despite the existence of a waiting list.

Sources:
Immigration and Nationality Act, 102d Cong., 2d sess., April 1992.
U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin*, no. 70, vol. VII (January 1997).

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married children	
brothers and sisters	

The INS divides the family members eligible for sponsorship into two tiers: 1) those who are "immediate relatives" of U.S. citizens and receive an unlimited number of visas each year, and 2) the rest, who fall into the "family preference system" which places an annual maximum limit of 226,000 visas issued to these relatives.

FAMILY-SPONSORED IMMIGRANTS ENTER AS EITHER IMMEDIATE RELATIVES OF U.S. CITIZENS, OR THROUGH THE FAMILY PREFERENCE SYSTEM

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and

spouses and unmarried minor and adult children
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The second preference has two categories that provide a total of 114,200 visas per year, plus any left over from the first preference.

U.S. law also limits the number of visas that may be issued to any one country in a year. This "per-country ceiling" (about 25,600 visas) represents the total number of family preference and employment-based visas that may be issued.

When Visas Are Not Available: The law requires that preference visas be issued to eligible immigrants in the order the petitions are filed. When there are more applicants applying for visas in a preference category than there are visas available, the preference category is considered "over-subscribed." Applicants must then wait until a visa becomes available before they can immigrate to the United States. Currently, there are delays in all the preference categories. The length of the delays varies in each category. For example, the wait for a third preference visa at this time is two years, and almost ten years for a fourth preference visa. This means that a brother or sister of a citizen whose petition was filed in 1984 is only now getting the visa. Similarly, a person applying today for a fourth preference visa can expect to wait until the year 2004. In most cases, family members must wait outside the United States until a visa is available, and thus remain separated from their families.

Sources:
Immigration and Nationality Act, 102d Cong., 2d sess., April 1992.
U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin* 7, no. 37 (June 1994).

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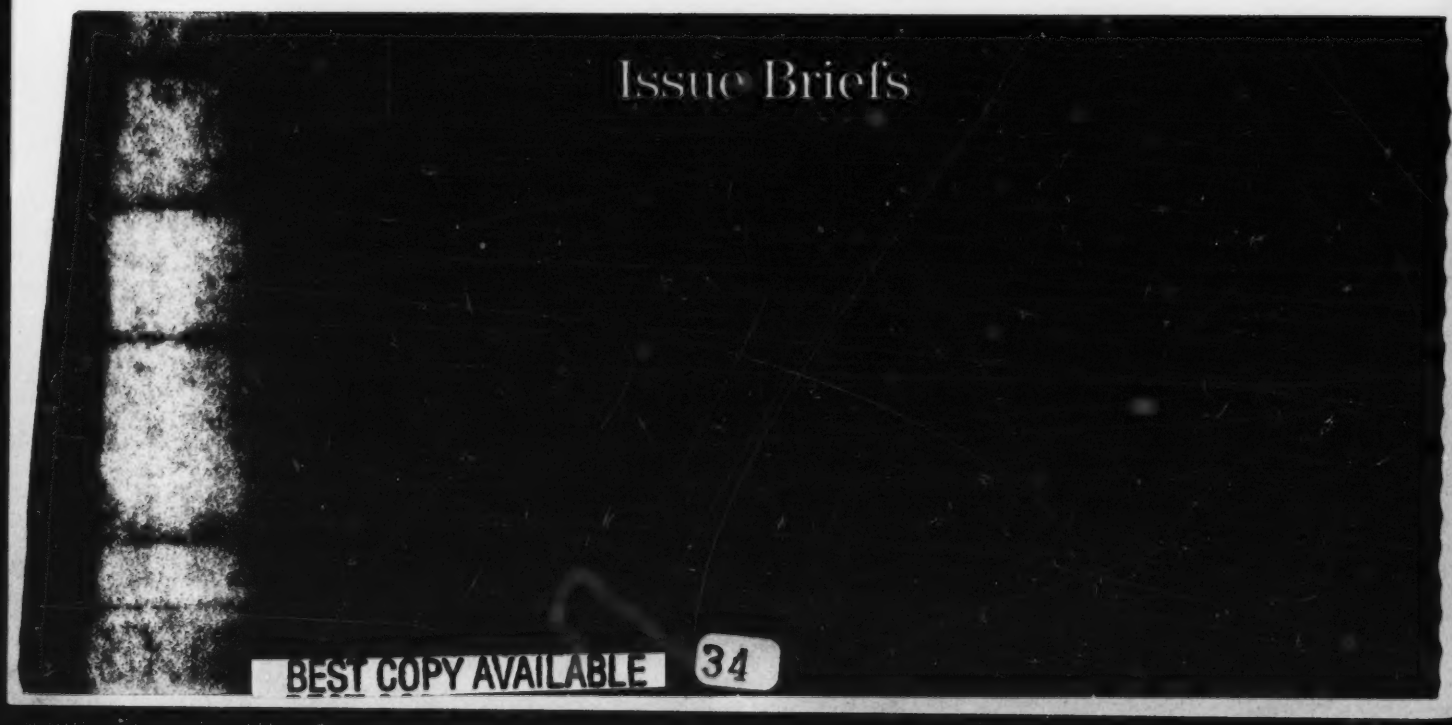
Issue Briefs
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Issue Brief: Immigrants and African Americans

Exploring the issue of African American and immigrant relations is no easy task. However, incidents of racial and ethnic clashes (the boycott of Korean-owned shops by some Brooklyn, New York, African Americans in 1990, or the 1991 Latino "riots" in Washington, D.C.'s Mt. Pleasant community) have drawn widespread public attention to the issue, and raise important underlying questions making it a critical subject to consider. At present, relations between African Americans and immigrants are often portrayed as though "all" immigrants are hostile to "all" African Americans, and vice-versa. Some immigration restriction organizations loudly claim that "all" or "most" African Americans support their contention that legal immigration to the U.S. must be curbed. The following offers a brief historical background and summary of current facts aimed at clarifying the issue and correcting misconceptions.

A Brief Historical Context. African Americans are descendants of a kind of forced migration—slavery. Unlike some other immigrant groups, African Americans have not been easily "absorbed" into the American mainstream. As sociologist Charles E. Silberman notes in his book, *Crisis in Black and White*, European immigrants who came to the U.S. in the mid-19th and early-20th centuries were initially subjected to discrimination similar to that experienced by African Americans in employment, housing, and education. But because they were white, Silberman argues, European immigrants and their descendants were eventually accepted by the larger society. Silberman maintains that color and racial prejudice prevent African Americans from assimilating in the same way.

African Americans and immigrants have suffered the divisive practices of politicians and employers throughout much of U.S. history. For example, some plantation owners in the post-Civil War South threatened to replace their African American field workers with Italian immigrants in order to keep African Americans "in line." In the early 1900s, managers of meat-packing plants, steel mills and coal mines in Northern and Midwestern states used African Americans as strike breakers to weaken immigrants' attempts to unionize. During the same period, racism kept Mexican and Asian immigrant laborers in California and the Southwest restricted to menial work on farms and in mines, often under hazardous or life-threatening conditions. They were paid much less than their white counterparts for the same work.

The U.S. Population Is Becoming More Diverse. According to the 1990 U.S. Census, the Latino and Asian populations grew rapidly during the last decade. This growth was due in part to immigration and in part to natural increase. Latinos (including Mexican Americans, Cubans, Central and South Americans, and others) grew from 14.6 million to 22.3 million. The Asian and Pacific Islander population more than doubled from 3.5 million to 7.2 million. The African and Caribbean immigrant population, while not growing as rapidly as the Asian and Latino immigrant groups, is also increasing. Admissions of African immigrants to the U.S. in fiscal year 1993 increased by 10% over those admitted during fiscal year 1992, from 24,826 to 27,404. Caribbean immigrant admissions to the U.S. increased by 15.7% in the same period, from 84,540 in FY '92 to 97,843 in FY '93. Between 1980 and 1990, the non-immigrant African American population grew by 13.2%, from 26.4 million to 29.9 million. If these growth rates continue, by the year 2040 about 40% of the population will consist of people of color—immigrant and native-born Latinos, Asians, and Blacks.

Today's newcomers are primarily people of color. In 1940, 70% of immigrants came from Europe. But by 1992, only 15% came from Europe; 37% came from Asia and 44% came from Latin America and the Caribbean. Many of these black and brown Latinos, black Caribbean people, and Asian immigrants confront the same race and color barriers African Americans face. But even relations between the newly arrived immigrants of color and African Americans are not always smooth. There is no single explanation for this. There are social observers who believe that some newcomers' insensitivity to, or ignorance of, African Americans' long civil rights struggle for equality and justice has blocked large-scale political and social alliances between the groups. Others note that some African Americans feel that immigrants are "rivals" with whom they must compete for employment, education, and housing opportunities which are artificially limited by racial discrimination.

Research on the Impact of Immigration on African American Employment Presents Mixed Findings. Studies on the impact of immigration on African American employment have often been limited by old and incomplete data. However, a 1994 Urban Institute review of the most recent data concludes that immigration has little negative impact for African American workers **in the aggregate**. Most evidence indicates that immigration does not reduce overall availability of jobs or depress wages. In fact, African Americans in areas of high immigration and high economic activity fare well. But immigrants may reduce the employment opportunities of low-skilled workers in areas where the local economy is weak and immigrants are concentrated.

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AFRICAN AMERICANS TEND TO HOLD MORE PROGRESSIVE VIEWS ON IMMIGRATION THAN THE GENERAL PUBLIC. A 1993 opinion poll showed that 64% of African Americans surveyed agreed with the statement "immigrants help improve our country with their different cultures and talents," versus 60% of all adults surveyed. Nearly three-quarters (73%) of African Americans believed that "many immigrants work hard — often taking jobs that Americans don't want," compared with 78% of all adults surveyed. Two-thirds (66%) of African Americans felt that it should be easier for doctors and health care workers to immigrate to the U.S., versus 51% of all adults surveyed. Two-thirds of African Americans (66%) believed that it should also be easier for engineers and scientists to immigrate to the U.S., versus 56% of all adults surveyed.

MANY OF TODAY'S AFRICAN AMERICAN CIVIL RIGHTS LEADERS SUPPORT IMMIGRANT AND REFUGEE ISSUES. Over the years, the Congressional Black Caucus has opposed immigration bills that it believed would result in discrimination against people of color, limit refugees' right to asylum, and curtail family reunification. Reverend Jesse Jackson, head of the National Rainbow Coalition, has stood firm against the former U.S. policy of interdicting and returning Haitian refugees. Randall Robinson, Executive Director of TransAfrica, a lobby group centered on African and Caribbean issues, went on a hunger strike in 1994 to focus public attention on the plight of Haitian refugees fleeing political terror in Haiti.

AFRICAN AMERICAN AND NEWCOMER COALITIONS ARE TAKING PLACE. At the local level, there are some small but promising signs of immigrant/established resident collaboration. In many instances, African Americans and newcomers have overcome ethnic divisions in order to achieve common goals. A 1994 National Immigration Forum study, *Together In Our Differences: How Newcomers and Established Residents Are Rebuilding America's Cities*, examines such alliances and what has made them successful.

> *Coalitions must be formed around issues, rather than racial groups. Poverty, injustice, poor education, and inadequate health care affect citizens and immigrants, blacks and whites . . . Unfortunately, enemies of social progress are always pleased to see groups who ought to be allies fighting each other over turf or status.*
> — Bernard C. Watson, President and CEO, William Penn Foundation

The study is based on interviews with community leaders and residents in New York, Chicago, Los Angeles, and Washington, D.C. It found African Americans and Latinos in the northern Virginia area working together to protect and ensure the existence of low cost rental housing, black Caribbean immigrants and African Americans in Central Brooklyn, New York, who had established a credit union to provide loans to local entrepreneurs and spur economic development in their neighborhoods, and African American and Latino janitors in Washington, D.C. who had joined forces to combat wage and employment discrimination. As immigration changes the racial and ethnic makeup of America's cities, more African American/ immigrant collaborations of this type may occur in the future.

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Issue Brief: Becoming Citizens

"Naturalization" is the process by which eligible legal immigrants become U.S. citizens. In most cases, to naturalize an immigrant must live in the U.S. as a legal permanent resident for at least five years. Immigrants who have been married to a U.S. citizen for three years and immigrants who have been active in the armed forces can generally naturalize after just three years.

The Naturalization Process

Eligibility: In order to naturalize, an individual must be at least 18 years of age, be of "good moral character," and must not be ineligible for citizenship for other reasons. A person must also demonstrate an ability to speak, read, and write basic English and have a general understanding of U.S. government and history. Older permanent residents—those who are 50 years or older and have lived here as permanent residents for at least 20 years, and those who are 55 years or older and have lived here as permanent residents for at least 15 years are exempt from the English requirement.

Interview and Citizenship Test: After submitting an application and fee to the Immigration and Naturalization Service (INS), an applicant is interviewed to determine if he or she meets the requirements for U.S. citizenship, including knowledge of English as well as U.S. history and government. To demonstrate English and civics proficiency, the applicant must pass either a standardized test or a test given by an INS examiner. The examiner test may involve answering several history and civics questions, reading a sentence or brief passage from an INS textbook, and writing a sentence dictated by the examiner.

Oath and Swearing In: All applicants must sign an "Oath of Renunciation and Allegiance," giving up foreign allegiances and titles and swearing to support and defend the Constitution and laws of the U.S. The final step in the naturalization process is the swearing-in ceremony, which can take place before a judge, or in an INS administrative ceremony.

The Opportunities of Naturalization: New Rights and Responsibilities

When an immigrant becomes a citizen, he or she acquires new rights. These include the right to:

- Vote;
- Sit on a jury;
- Hold elective office;
- Apply for and hold certain federal government positions and private industry jobs requiring a security clearance;
- Bring immediate relatives to the U.S. without the waiting period imposed by the immigration preference system;
- Travel abroad for unrestricted periods of time.

Given the opportunities of U.S. citizenship, why are there ten to eleven million eligible legal residents who have not yet naturalized? According to a 1989 national survey by the National Association of Latino Elected and Appointed Officials (NALEO), 98% of the 1,600 Latino immigrants surveyed intended to make the U.S. their permanent home; almost 90% believed that becoming a citizen was important. **More than half of all respondents had at least tried to begin the naturalization process**, but were confronted with obstacles that prevented many of them from completing the process.

The Obstacles to Naturalizing

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Learning About Citizenship: Immigrants lack knowledge about the specific opportunities of becoming a citizen and often do not understand the citizenship process. Moreover, NALEO's survey found that nearly half of those who attempt to become U.S. citizens do not succeed because of difficulties with filling out the complicated application materials or negotiating the INS bureaucracy. These obstacles reflect the limited number of community organizations

able to provide information and assistance to immigrants on how to navigate the naturalization process. Outreach, education, and assistance targeted to immigrant communities will go a long way to giving non-citizens the information they need to become citizens.

The "top ten":
INS offices with the longest waits*

City	Average wait (days)
Detroit	390
San Jose	390
San Francisco	360
Miami	300
Milwaukee	300
Newark	300
Los Angeles	270
Omaha	270
El Paso	240
Tampa	240

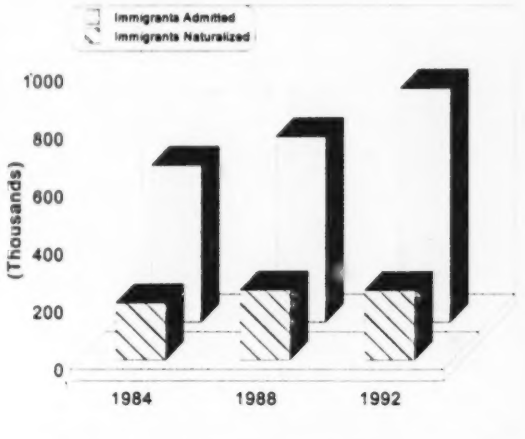
*Average length of time between filing of application and initial interview.

Source: American Immigration Lawyers Association.

Learning English: All evidence indicates that today's immigrants are eager to learn English—if they can find a class. Right now, available classes reach only a fraction of those seeking to enroll. Inadequate funding limits the number of classes available. Those classes that are available are often held at times when many immigrants are working. Lack of capacity—not lack of desire—slows many immigrants from getting over the first hurdle: learning the language.

The INS Backlog: Many immigrants seeking to naturalize must wait a year or more until they are sworn in as citizens. The INS is chronically behind in processing naturalization applications. The backlog often discourages eligible residents from even beginning the process. The delays would likely be worse if it were not for the fact that today, the number of people naturalizing is low compared with the number of immigrants who are eligible to naturalize. At the current rate of processing, if everyone who is eligible to naturalize attempted to do so, it would take the Immigration Service *decades* to process the applications.

Immigrants Admitted and Immigrants Naturalized, 1984-1992



*These figures do not include immigrants who gained permanent residency as a result of the "Amnesty" program of the Immigration Reform and Control Act (IRCA). The additional number of persons who gained permanent residency as a result of IRCA are: 163,342 (1992); 1,123,162 (1991); 880,372 (1990); 478,814 (1989). This IRCA population is beginning to become eligible for naturalization now.

Source: U.S. Immigration and Naturalization Service.

AN EMERGING PRIORITY

Since her appointment in 1993, INS Commissioner Doris Meissner has repeatedly stated her commitment to making naturalization a top priority for the INS. At the same time, immigrant communities, community-based organizations, local government agencies, and the INS are beginning to work cooperatively, concentrating resources to increase naturalization rates. The combined efforts of these individuals and organizations are critical to making newcomers full partners in our society and thereby strengthening our democracy.

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Issue Brief: Becoming Americans

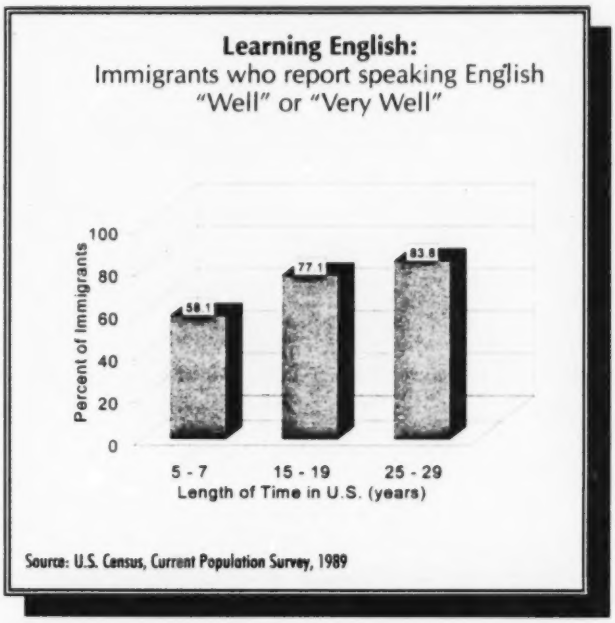
Do immigrants want to "become Americans?" Do they want to learn English? How do they respond to American definitions of democracy? These are some of the important questions citizens ask about immigrants. The following facts demonstrate that today's immigrants, like immigrants before them, rapidly adapt to their new society.

LEARNING ENGLISH

Ability to speak English is one measure of immigrant adaptation. According to recent research, today's immigrants are strongly motivated to learn English and may actually make the transition to English *more quickly* than immigrants of the past.

Many immigrants already speak English when they arrive. According to the Census Bureau, approximately one-quarter of newly arrived immigrants come from countries where English is either the dominant or official language. Even immigrants from other countries are likely to speak English when they arrive; approximately 20% of immigrants from Spanish-dominant countries speak English "well," as do more than 50% of immigrants from countries where another language is dominant.

Census data clearly shows that the longer immigrants are in the U.S., the more likely they are to speak English well. While the data shows that immigrants do learn English, the rates that immigrants learn English vary depending on economic status, education, and age. There are immigrants who take much longer to learn English and some who, perhaps because of their lack of education and their need to work two or three jobs to make ends meet, may never learn the language. These immigrants are the exception.



Furthermore, it appears that between generations, immigrants are becoming completely dominant in English, and losing their native language at a faster pace than immigrants early in this century. Previously, it has taken three generations for an immigrant family to completely lose its native tongue: immigrants would learn enough English to get by while remaining dominant in their native language; their children would be bilingual, gradually losing their ethnic language as they grew older; and *their* children—the grandchildren of immigrants—would be largely monolingual English speakers. In recent decades, there appears to be a trend towards monolingual English speaking in the *children* of immigrants.

Immigrants flock to English classes. Immigrant demand for English classes far outstrips the number of available classes. Nationwide, English-as-a-Second-Language (ESL) classes serve 1.8 million people each year. Nonetheless, in city after city, these programs report long waiting lists of students. In Washington, DC, it is estimated that at least 5,000 immigrants were turned away from classes in the 1993-1994 school year. In some cities, programs no longer keep waiting lists because they became so long as to be meaningless. In New York, for example, enrollment in English classes is determined by lottery.

The number of immigrants who do not yet speak English is increasing because the number of immigrants has grown in recent years. Although immigrants today appear to become dominant in English *faster* than immigrants early in this century, the number of non-English speakers in the U.S. is rapidly increasing. This is because the total level of immigration to the U.S. has grown, *not* because immigrants are refusing to speak English. As long as there is

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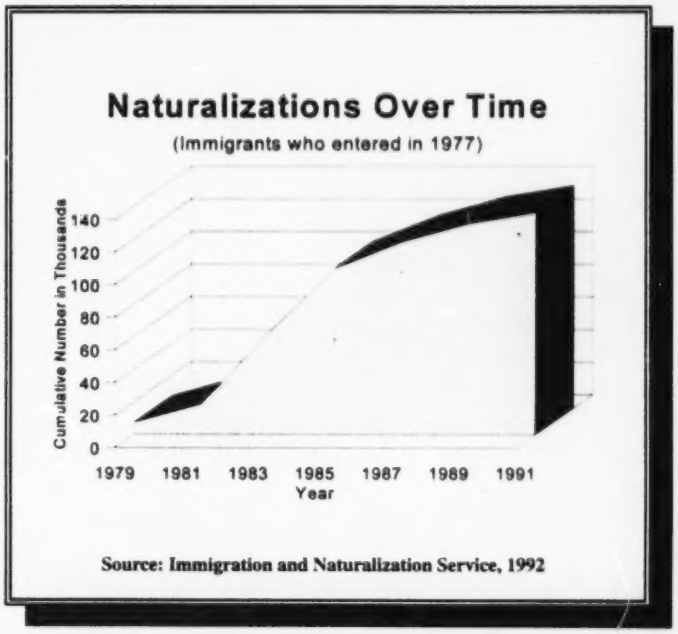
immigration to the U.S., there will be a pool of newcomers making the transition from their native language to English. Services such as ESL programs, bilingual voting ballots, and multi-lingual safety notices help ease this natural transition.

Bilingual Education. Bilingual education was designed to provide children who had long been excluded by language barriers with equal access to curriculums. Language-minority children, unable to keep up with their English-speaking classmates in their subject matter, were more likely than other children to drop out of school. Bilingual education helps ensure that immigrants learn English *and* keep up with the content of what they are learning. For example, a child who knows how to count in Polish can easily transfer that skill once she has learned English. If that Polish-speaking child is forced to sit through math classes she does not understand, she may end up not learning algebra, and perhaps lose confidence in her ability to learn anything—including English. At a time when U.S. employers demand skilled employees, the "content" of a student's education has become critically important.

NATURALIZATION AND DEMOCRATIC PARTICIPATION

Immigrants today, like immigrants of the past, play a vital role in America's democratic processes. Recent research shows that immigrants who become citizens are more likely to register to vote than native-born Americans. For example, a 1989 survey found that 81% of naturalized Latino immigrants had registered to vote, compared with 70% of the U.S. population in general.



Immigrants become involved in the political process for different reasons. For some—refugees, for example—an interest in U.S. foreign policy towards their home country may serve as the motivation to participate in the electoral process. Over time, ties to the home country are loosened, and other concerns become primary.

Immigrant voters reflect a diverse range of political views. For example, Cubans tend to register as Republicans, while Mexicans are more likely to register as Democrats. In any event, immigrants and the children of immigrants will, like other voters, elect those who they feel will best represent them—often someone from their own ethnic group. As Alejandro Portes and Ruben Rumbaut wrote in their book, *Immigrant America*:

> *Ethnic solidarity has provided the basis for pursuit of common goals through the American political system: By mobilizing the collective vote and by electing their own to office, immigrant minorities have learned the rules of the democratic game and absorbed its values in the process.* (p. 141)

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Issue Brief: Costs and Contributions of Immigrants

In the 1990s, the policy debate over whether immigrants are a benefit or a burden to the U.S. has become heated. Many state and federal lawmakers claim that immigrants cost the U.S. too much in public assistance, education, health care, and other social services. Some policy makers have proposed reducing or denying public benefits to both legal and undocumented immigrants.

IMMIGRANTS AND TAXES

Immigrants pay more in taxes than they receive in benefits. According to the Urban Institute, legal and undocumented immigrants combined pay approximately **$70.3 billion per year in taxes** and receive **$42.9 billion in services** such as education and public assistance. Undocumented immigrants alone pay **$7.0 billion per year in taxes**. Two-thirds of the taxes paid by all immigrants go to the federal government in the form of Social Security deductions and income taxes.[1]

An emerging issue is the distribution of immigrant tax dollars. Most immigrant tax dollars go to the federal government, not to state and local governments. However, states and localities provide the bulk of services immigrants use—education, health, public assistance. As a result, states and localities may find themselves "shortchanged"—providing services without sufficient revenue. Some policy-makers are calling for new measures to ensure that immigrants' tax dollars go back into the communities where they live.[2]

Undocumented immigrant workers provide tax dollars to the U.S. Because undocumented workers are subject to payroll deductions and income taxes, they help support programs like Unemployment Insurance and Social Security, even though they themselves are ineligible for benefits from these programs. In 1990, undocumented immigrants paid $2.7 billion in Social Security, and $168 million in unemployment insurance.[3]

Legal immigrants' Social Security deductions help keep the Social Security system solvent. The largest part of legal immigrants' tax dollars goes to the nation's Social Security trust fund. Because immigrants tend to be young and have years of work ahead of them, they are significant contributors to the Social Security system. In the next 20 years, as baby boomers retire, the elderly U.S. population increases, and the nation's birth rate continues declining, immigration will fill the country's need for young workers. It is predicted that, in the coming decades, the continuing arrival of young immigrant workers paying taxes will bolster the sagging Social Security system.[4]

Immigrants' greatest "cost" comes from public primary and secondary education. Local, state and federal governments combined spend about $11.5 billion each year educating documented and undocumented immigrant children. (This cost is based on the average per-pupil cost multiplied by the number of immigrant children.) During the 1992 - 1993 academic year, the national cost for educating all children, both native born and immigrant, was $226 billion.[5]

Virtually all costs associated with educating the undocumented are in seven states: California, Arizona, Florida, Illinois, New Jersey, New York, and Texas. These states spend a combined total of $3.079 billion annually.[6]

IMMIGRANTS AND PUBLIC ASSISTANCE

Few services are available to undocumented immigrants. Undocumented immigrants are only eligible for emergency medical care under Medicaid and for nutrition benefits under the Special Supplement Food Program for Women, Infants and Children (WIC). Most undocumented immigrants do not apply for these programs because they fear detection from the INS.[7]

Rules regarding public benefits make it very difficult for immigrants to receive assistance. When applying for public assistance, most legal immigrants who have been in the U.S. for less than three years must combine their income with the income of the family that sponsored them. But immigrants may not have access to all of their sponsors' income. This "deeming" of income may make the immigrant family's income appear to be higher than it is, and generally disqualifies them from assistance. Moreover, many legal permanent residents do not apply for benefits. They fear that receiving assistance during their first five years in the U.S. may be grounds for deportation. In addition, use of welfare makes it difficult to bring other family members to this country. To send for family members, immigrants must prove that they are capable of supporting themselves and their family members without public assistance.[8]

Most immigrants work and earn decent incomes. According to the 1990 Census, the combined total of all immigrants' incomes came to $285 billion in 1989—8% of all income earned in the U.S., and equal to immigrants' share of the population (7.9%). Immigrants spend much of their income on U.S. goods and services, helping to spur the U.S. economy forward.[9]

About 11% of all Supplemental Security Income (SSI) recipients are elderly immigrants. SSI is a cash assistance program for needy elderly people and people with disabilities. Unfortunately, many elderly immigrants who arrived after 1980 have not had a long enough work history to participate in Social Security (a separate system that is not based on need) and are therefore ineligible. For these elderly immigrants, who number about 600,000, SSI has become a substitute for

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retirement benefits. More than three-quarters of all elderly immigrants on SSI have no other source of income, compared with only one-third of elderly native-born SSI recipients.[10]

Refugees—who make up only 10% of all immigrants each year—are the most likely among newcomers to receive welfare. Refugees, who arrive in the U.S. fleeing persecution, generally arrive with nothing and initially need public assistance. More than 15% of refugees receive welfare.[11]

Data does not support the perception that immigrants abuse welfare. The Social Security Administration (SSA) reports only isolated incidents of fraud and abuse among immigrants, and SSA officials "do not characterize it as a widespread problem."[12]

Fewer immigrants receive welfare than native-born Americans. Among working-age immigrants (excluding refugees) who entered the U.S. during the 1980s, 2.0% receive welfare, compared with 3.7% of working-age native-born Americans. Only 3.2% of earlier-arriving, working age immigrants receive welfare.[13]

IMMIGRANTS AND THE ECONOMY

The longer immigrants are in the U.S., the higher their incomes are likely to be. Households headed by immigrants who entered the U.S. before 1980 have average incomes of about $40,900, 31% greater than the average income ($31,100) for immigrants who came after 1980, and almost 10% greater than the $37,300 earned by native-born American households.[14]

Many U.S. cities have benefited from immigrant businesses. In Los Angeles, Koreans are three times more likely to be self-employed than the overall population. In Miami, the number of Cuban-owned businesses has grown from 919 in 1967 to 8,000 in 1976 to 28,000 in 1990. On Jefferson Boulevard in Dallas, first- and second-generation immigrants own three-fourths of the area's 800 businesses. Korean immigrants in New York City represent only 3% of the city's more than seven million people, but they run 1,100 delicatessens, liquor stores and grocery stores; 1,300 dry cleaners; 100 import companies; 250 garment manufacturers; 700 general merchandising stores; 600-700 fish markets; and more than 400 nail salons.[15]

Studies show that the longer immigrants are in this country, the more likely they are to be self-employed. In the 1980s, 5.6% of immigrants living in the U.S. were self-employed. By 1990 this same group of pre-1980 immigrants had a self-employment rate of 8.4%. In 1990, almost 1.3 million immigrants, or 7.2% of the population, were self-employed, a rate slightly higher than native-born Americans (7.0%).[16]

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Issue Brief: U.S. Asylum Policy

Throughout its history, and still today, America has struggled to achieve a balanced asylum policy that offers compassion towards those seeking refuge while preserving the integrity of U.S. borders. However, recent reports of burgeoning asylum scams coupled with images of smugglers' ships full of Chinese fleeing their country to seek asylum and rickety boats overloaded with desperate Cubans and Haitians headed for Miami's shores have fostered the perception that the current asylum system is exploited, abused and crying for reform. As a result, policy makers across the political spectrum have begun calling for measures to tighten this country's asylum procedures.

As Americans debate these measures, the fundamental question of balance must not be forgotten: **Will such measures strengthen the system's weaknesses without causing harm to legitimate asylum seekers?** The following summary helps answer this question by providing some basic facts regarding U.S. asylum policy and proposed reforms.

WHAT IS ASYLUM? — "Asylum" is a form of legal protection granted to people who prove they have fled their country because of a "well-founded fear of persecution." This persecution must be based on their **political opinion**, **national origin**, **membership in a social group**, **religion**, or **race**. Meeting this definition is not easy: less than one fourth (23%) of all applicants were granted asylum in 1993.[1]

People who are granted asylum in the U.S. are called "asylees." After an asylee has been in the U.S. for one year, the Immigration and Naturalization Service (INS) evaluates the conditions in the asylee's country to determine whether to extend the asylee's status. Those whose asylee status is extended are then eligible to apply for permanent resident status. People who receive asylum may bring their spouses and children under the age of 21 to the U.S.

THE LAWS GOVERNING ASYLUM — Congress passed the Refugee Act of 1980 which established the first set of asylum laws for the U.S. The Department of Justice published new regulations in 1990 implementing the 1980 law and authorizing the establishment of a **professionally trained corps of officers** to make decisions on asylum cases. In the same year, the INS created **seven permanent asylum offices** located in Newark, Arlington (VA), Miami, Chicago, Houston, San Francisco, and Los Angeles.

AFFIRMATIVE VS. DEFENSIVE APPLICATIONS — An "affirmative" application is **when the asylum seeker directly submits** his or her application to one of the seven asylum offices and requests an interview with an asylum officer to review his or her case. A "defensive" application is submitted as a way to prevent deportation **when the asylum seeker is in deportation proceedings**. In defensive cases, the application is decided by an immigration judge.

A LACK OF RESOURCES — The U.S. provides the asylum system with funds for relatively few personnel. Today, approximately **150 asylum officers** are responsible for processing the **130,000 cases** filed in fiscal year 1994.[2] While Germany has four times the caseload (438,191 cases) of the U.S., it has 23 times the staff (3,500 officers). Sweden has a little more than half the U.S. caseload (83,963) but five times the staff (800 officers), and Switzerland has a little more than ten percent of the U.S. caseload (17,960) but still three times the staff (500 officers).[3]

A GROWING BACKLOG — When the first asylum officers started in the spring of 1991, they faced a backlogged asylum system of approximately 114,000 cases.[4] Nationwide, on average, asylum officers are **able to interview about 62%** of the people who file cases.[5] The remaining cases join a **backlog of cases that totalled nearly 400,000** in July of 1994.[6] Many 1994 asylum applicants will wait for months until they receive an interview to evaluate the merits of their application. While they wait, most asylum applicants will receive authorization to work for three months to one year. The growing backlog of asylum cases creates the potential for abuse. In the past, unscrupulous applicants have filed baseless claims knowing they would get work authorization while their cases awaited processing. This backlog has left legitimate refugees in limbo, not knowing whether the INS would force them to return to their country. Moreover, before the INS grants asylum, the asylum applicant cannot bring over family members who might be in equal danger of persecution.

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In response to the backlog and perceived abuse of the asylum system, the White House, the INS, and members of Congress from across the political spectrum are offering a broad range of reform proposals. Below is just a sampling of the reforms proposed in 1993 and 1994.[7]

TIME LIMITS FOR FILING — Currently, the INS does not have an application deadline. However, Congress has proposed legislation that would **forever bar asylum seekers from applying directly to an asylum office unless they apply almost immediately** (30 days in some proposals) after entering the U.S. Many consider a deadline to be harsh and counterproductive—true refugees often need time to overcome the fear of talking to a government authority, while fraudulent applicants coached by "smugglers" will have no trouble meeting a deadline.

REQUIRING LEGAL STATUS — Another legislative measure proposes that applicants be only eligible to apply for asylum if they have legal status in the U.S. and have not violated U.S. immigration laws (such as entering the U.S. illegally). The law today does not impose this restriction because **refugees most in danger often cannot get a visa to leave their homeland** and must flee to the U.S. without the documents necessary for gaining legal entry.

QUICK DECISIONS AND RETURN — In an effort to control the number of asylum applicants entering through ports of entry, Congress has put forward "summary" or "expedited" exclusion proposals which will speed up the application process. Currently, most refugees who seek asylum at a port of entry receive an opportunity to prepare their claim, present it at an immigration hearing, and may appeal a negative decision. Under these summary exclusion proposals, people at air and sea ports would receive only a single on-the-spot interview with an INS official, with a very limited opportunity for review of the decision. During these on-the-spot interviews, applicants who fail to persuade the INS officer that their case is viable **may face immediate deportation**. Critics argue that these measures penalize legitimate asylum seekers who may not speak English, do not know the rules of the system, and are likely to be intimidated by the authorities. They also argue that speeding up the process without review will produce more mistakes and threaten the safety of people fleeing persecution, without weeding out spurious applications.

IN SUMMARY — The challenge of these and other reforms is to preserve this nation's responsibility to those fleeing persecution and seeking freedom. There must be an honest effort to balance the goal of improving an imperfect system without punishing the innocent. Without such an assessment, hurried changes will not stop the crooked-minded, and may kill the deserving.

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202-544-0004 • Fax: 202-544-1905

Issue Brief: Controlling Illegal Immigration

In recent years, much of the debate on immigration has focused on illegal immigration. A growing number of Americans believe that our borders are "out of control." This public perception is causing policy makers, scholars, and the media to re-examine how this country controls illegal immigration. Below is a summary of some basic facts on illegal immigration and some enforcement options currently under discussion.

IMMIGRANTS WHO COME HERE ILLEGALLY - FACTS ON THE UNDOCUMENTED In 1993, the INS estimated that there were approximately 3.8 million undocumented immigrants in the U.S., with an estimated 300,000 added each year. Approximately half of all undocumented immigrants arrive in the U.S. *legally*—as students, visitors, temporary workers, tourists—but overstay their visas. Most of the others cross into the U.S. illegally from Mexico and Canada. More than half of the undocumented immigrants in the U.S. come from six countries: Mexico (31%); El Salvador (9%); Guatemala (4%); Canada (3%); Poland (3%); and the Philippines (3%).

BORDER ENFORCEMENT STRATEGIES It is the job of the Immigration and Naturalization Service's (INS) Border Patrol to prevent illegal entries. This job is an enormous challenge, given that the U.S./Mexican border, where the vast majority of illegal crossings occur, is more than 2,000 miles long. Moreover, the Border Patrol has for years been grossly under-funded, under-staffed, and inadequately trained. Border Patrol agents have also been accused of committing human rights abuses against those they apprehend.

INS Commissioner Doris Meissner, with the support of Attorney General Janet Reno, has begun to focus much-needed attention on the border and the Border Patrol. In recent months, the INS has reallocated resources to concentrate on the border areas where most illegal crossings occur. In El Paso, Texas, the Border Patrol has stationed hundreds of agents along the border in an experiment called "Operation Hold-the-Line." So far, this operation appears to have significantly curtailed illegal crossings, and is credited with lowering the number of complaints of human rights violations and other abuses. In October, 1994, the INS began a similar effort, known as "Operation Gatekeeper," on the border near San Diego, California—the busiest crossing point for undocumented immigrants. In the 1994 Crime bill, Congress provided additional resources for border enforcement, including 4,000 new Border Patrol agents over the next four years.

Many immigration experts and advocates believe that a sufficiently staffed, trained, and funded border enforcement strategy is the most humane way to control illegal immigration. Such a strategy keeps ineligible people from entering the U.S.

INTERIOR ENFORCEMENT STRATEGIES The goal of interior enforcement is to make life difficult for undocumented immigrants already residing in the United States so that those here leave, and those planning to come don't. Much of the debate and policy making over the past decade has focussed on ways to deny employment to those in the U.S. illegally. Based on the premise that undocumented immigrants come to the United States to work, the idea is to remove the primary incentive, or "pull" factor, of jobs. Just recently, a new and controversial element of the interior enforcement debate has emerged with the passage of Proposition 187 in California. Proponents argue that denying services to the undocumented—including public education and basic medical services—will reduce the "magnet" effect of services and reduce the number of people seeking to enter the U.S. illegally.

EMPLOYMENT ENFORCEMENT STRATEGIES Since 1986, federal law has attempted to control illegal immigration by requiring all employers to verify a new employee's immigration status or face penalties. In fact, these "employer sanctions" have done little to curb illegal immigration for several reasons. First, employer sanctions have been easy to circumvent. The documents employers examine to determine prospective employees' employment eligibility are easily counterfeited and readily available. Second, the law is seldom enforced. Many employers are willing to take the calculated risk of incurring a fine in exchange for cheap labor. Third, the law has resulted in discrimination. In 1990, the U.S. General Accounting Office (GAO) found "widespread" discrimination as a result of employer sanctions. The study found that many employers are confused about their obligations and, fearing sanctions for hiring undocumented workers, "play it safe" by not hiring anyone who looks or sounds "foreign."

"Tamper-proof" Work Authorization Identification. The failure of employer sanctions to stem illegal immigration has led to calls for a nationwide identification system that can quickly confirm a person's eligibility to work. This system might consist of a computerized database—perhaps accompanied by a "counterfeit-proof" identification card—that would include information about everyone eligible to work in the U.S. Proponents of a single national identification card argue that it would reduce the number of documents that an employer must be familiar with, would be more difficult to counterfeit than the current array of immigration cards, and would be required equally of all workers. Alternatively, a national computerized worker verification database, similar to credit card verification systems in use today, would be linked to a central database and permit employers to know in seconds whether the prospective employee is authorized to work.

Critics charge that neither proposal would effectively decrease illegal immigration. They argue that the INS and the Social Security Administration, whose databases would be used for these systems, have a record of inaccurate and faulty data. Errors in a worker verification system would have severe consequences for those unable to establish their eligibility to work legally. Experts on document fraud note that a worker verification card, or the documents needed to *obtain* the card (such as a birth certificate), could be easily counterfeited. Civil rights advocates point out that a government-controlled database of this scale would threaten all Americans' privacy rights. Additionally, opponents argue that the GAO findings of discrimination demonstrate that any identification card will lead to biased treatment of individuals based on their appearance, surname, or accent.

Enforcement of Existing Labor Laws. Some analysts believe that increased enforcement of existing labor laws would reduce the incentive for unscrupulous employers to hire unauthorized workers. Proponents of this view believe that lax labor law enforcement encourages employers to employ unauthorized workers, who are often willing to work for lower wages and longer hours than allowed by law. Lax enforcement allows employers to simply fire undocumented workers who insist on their rights. In this view, as long as some employers profit by employing workers at substandard wages and working conditions, all employers have an incentive to evade employer sanctions and hire undocumented workers.

DENYING SERVICES Some argue that undocumented immigrants come to this country specifically to receive services such as education and health care, and that those who enter illegally should not be "rewarded" with taxpayer-supported services. These arguments were the impetus for Proposition 187, the controversial ballot measure which Californians approved by a 3 to 2 margin on November 8th, 1994. The intent of the initiative is to deny public education, non-emergency health services, and social services to those unable to prove their legal residency in the United States. This ban is to be enforced by conducting an "immigration check" on every person who applies for a restricted service or benefit, and to compel service providers to report to authorities those who are "reasonably suspected" of being in the U.S. illegally.

Opponents counter that denying services does nothing to reduce illegal immigration, but does create problems for all. They argue that expelling students from school will put children on the streets without supervision, leading to a potential increase in juvenile crime and victimization, and that denying basic medical care and immunizations will lead to the spread of costly and preventable communicable diseases. They are troubled by provisions requiring "suspects" to be turned into authorities, without providing safeguards for legal residents who speak with accents or appear to be "foreign."

A DIFFICULT CHALLENGE The challenge of developing an effective policy for controlling illegal immigration is great. Clearly, the U.S. has both an obligation and a right to control its borders. However, the desire for immediate solutions must not lead us to accept impractical and costly enforcement options. Rather, proposals must be held to the highest standards of effectiveness and practicality, as well as respect for human and civil rights.

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202-544-0004 • Fax: 202-544-1905

Issue Brief: Immigrant Women

At one time, men were far more likely than women to migrate to the U.S. However today, and each year for the last decade, **almost half of the immigrants coming to the U.S. have been women.** For example, in 1992, women comprised almost 52.5% of all Vietnamese immigrants, 55% of all Chinese immigrants, 60% of all Filipino immigrants, and 54.9% of all immigrants from the former Soviet Union. Among immigrants from countries like Japan and Germany, which send relatively few immigrants to the U.S., women outnumber men in steady and increasing numbers (59% and 72% respectively).

Women migrants bring with them a unique set of needs and challenges, most of which have never been addressed in immigration policy. However, in 1994, policies were developed to begin addressing two critical problems facing immigrant women and refugees: **domestic violence and gender-related political persecution.**

Immigration Policy and Domestic Violence—How Are They Linked?

Domestic violence is a tragedy that cuts across all ethnic, religious, and cultural lines. Immigrant women are particularly vulnerable to abuse if they must rely on their spouses to obtain legal status or work authorization. Until recently, most newly arrived immigrant spouses (often the wives) needed their U.S. citizen or legal permanent resident (LPR) spouses (often the husbands) to obtain permanent legal status for them by filing a petition with the Immigration and Naturalization Service. Once filed, the immigrant wives usually had to wait anywhere from a few months to a few years before getting their permanent resident status.

Moreover, U.S. law gave legal spouses total control over the decision to file or withdraw a "petition," without ever having to notify their spouses. **This control over the legal status of women provided a powerful tool to abusive husbands.** Advocates for immigrant victims of domestic violence frequently report horror stories of women enduring years of abuse to become legal, only to find out that their husbands had never filed or had withdrawn the petitions. Batterers often threaten to withdraw a petition if their immigrant wives try to call the police or leave the home. Without legal resident status, newly arrived women may find themselves in an undocumented state, unable to work legally and, if caught by the INS, subject to deportation (thereby separating them from their home and children), often without any defense. In addition, their children could fall into the custody of the abusive husband or a foster home.

The Violence Against Women Act, signed into law in September of 1994, provides relief for immigrant spouses who have been "battered" or subjected to "extreme cruelty" by their citizen or LPR spouses. **This law permits newly arrived immigrant spouses to file their own petitions for their residency and gives them new protections against deportation.** To self-petition, battered spouses must prove that: 1) they were abused, 2) they have a valid marriage and, 3) they or their children would suffer "extreme hardship" if they were deported. The new law also permits abused spouses, abused children, or parents of abused children who can prove abuse and who have been in the U.S. for at least three years, to ask the immigration court for permanent residency. The INS will issue regulations explaining the details of this new law in late 1994 or early 1995.

What Other Immigration Policies Protect Battered Spouses?

In 1990, the INS revised an earlier law that required newly arrived spouses (who had been married two years or less) to remain married for two years while they waited to receive unconditional and permanent resident status through their U.S. citizen or legal permanent resident spouses. Now, the spouses are no longer required to file jointly. The INS enacted the original law in 1986 to weed out fraudulent marriages by requiring a two-year "condition" or hold on the legal resident status of immigrants who obtained their residency through their spouses. If, after two years, the spouses failed to apply jointly to remove the condition, the newly arrived spouse could lose her residency, become undocumented, and thus be ineligible to work and subject to deportation. Until the joint application requirement was changed in 1990, this law forced many women to remain in abusive relationships while waiting for the end of their conditional permanent resident status. Now, battered spouses who can prove they have suffered abuse may file independently for permanent legal status.

U.S. Asylum Policy and Women Asylum Applicants—Are Women Persecuted Differently from Men?

To win asylum in the U.S., applicants must prove they have a "well-founded fear" of persecution that is based on their religion, race, national origin, political opinion, or membership in a social group. **Though their burden of proof is the same, women may be persecuted in ways that are unique to their gender.** Unlike men, women face gender-specific persecution such as rape, sexual assault, genital mutilation, and bride burning. Widespread rape in Bosnia and Haiti graphically demonstrates this problem. Women may also face persecution on account of their gender for violating societal or religious norms (e.g., living alone in a country where a women is expected to live under a male relative's protection, or participating in feminist political activities).

How Are Women Asylum Applicants Treated?

In Canada and some European countries, women can receive asylum based on gender-specific persecution. In the U.S., **advocates argue that immigration judges and asylum officers treat rape and other gender-based crimes as private acts of violence against women, not public acts of persecution.** For example, an immigration court denied asylum to a Salvadoran woman who had been raped by uniformed men after they forced her to watch the murder of her male family members; the court ruled that the rape was a "personal" matter between her and her rapists. Representatives of asylum applicants also criticize asylum officers and immigration judges for their lack of sensitivity to female refugees' experiences. For example, in San Francisco, an immigration judge reportedly clipped his nails as a Salvadoran woman testified that she had been gang-raped by guerrillas because her husband was a military informant.

Fortunately, advocates also report that the treatment of female asylum applicants is beginning to improve. Some asylum officers and immigration judges are granting asylum to women who have experienced rape or suffered other forms of gender-specific persecution. In 1993, the INS Board of Immigration Appeals issued an unpublished decision granting asylum to a Haitian woman based on her rape by military officers.

How Can the Treatment of Women Applicants Be Improved?

The U.S. could improve its asylum system by adopting the proposed "Guidelines for Women's Asylum Claims." Women's rights advocates in the U.S. created these guidelines based on similar models developed by Canada and the United Nations High Commissioner for Refugees. These guidelines include recommendations for interviewing female applicants, such as using female interviewers, stressing an awareness of the symptoms of Rape Trauma Syndrome, and permitting women to be questioned alone, without family members present. Opponents of the guidelines argue that although the recommendations are within the existing framework of U.S. asylum law and international law, the recognition of gender-based asylum will cause a flood of applications from women unhappy in their home countries. Proponents argue that the guidelines urge education and appropriate application of existing law, not an expansion of the law. Further, advocates and INS asylum officials alike point out that Canada has not experienced an appreciable increase in the number of female applicants since it adopted its guidelines in 1993. After receiving the guidelines, **the INS Asylum Office indicated that it will issue instructions to its asylum officers based on the Guideline's recommendations.** As of September 1994, the INS had not yet issued the instructions.

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Issue Brief: Cycles of Nativism in U.S. History

As a nation of immigrants, the United States has also been a nation of nativists. At times we have offered, in Tom Paine's words, "an asylum for the persecuted lovers of civil and religious liberty" from all parts of the world. At other times Americans have done the persecuting—passing discriminatory laws against the foreign-born, denying their fundamental rights, assaulting them with mob violence, even lynchings. We have welcomed immigrants in periods of expansion and optimism, reviled them in periods of stagnation and cynicism. Our attitudes have depended primarily on domestic politics and economics, secondarily on the volume and characteristics of the newcomers. In short, American nativism has had less to do with "them" than us.

Friction is inevitable when cultures collide. All too often, immigrants are met with misunderstanding and intolerance. But ethnocentrism has flared into nativism—that is, ethnic prejudice has produced significant anti-immigrant movements—only a few times in U.S. history. Fear and loathing of foreigners reach such levels when the nation's problems become so intractable that some people seek scapegoats. Typically, these periods feature a political or economic crisis, combined with a loss of faith in American institutions and a sense that the national community is gravely fractured. Hence a yearning for social homogeneity that needs an internal enemy to sustain itself: the "alien." Nativists' targets have reflected America's basic divisions: class, race, religion, and, to a lesser extent, language and culture. Yet each anti-immigrant cycle has its own dynamics.

ALIEN AND SEDITION ACTS. Few immigrants arrived in the nation's infancy, but among them were European radicals who caused great alarm among the ruling Federalists. Worried that excessive democracy posed a threat to property and stability, the Adams administration regarded politically active immigrants as subversives, not to mention partisan adversaries—most were aligned with Jefferson's Democratic-Republican clubs. In 1798, Congress passed the Alien and Sedition Acts, giving the President arbitrary powers to exclude or deport foreigners deemed dangerous and to prosecute anyone who criticized the government (used mainly to imprison immigrant editors and pamphleteers). A new Naturalization Act sought to limit immigrants' electoral clout by extending the waiting period for citizenship to 14 years.

> Our progress in degeneracy appears to me to be pretty rapid. As a nation, we began by declaring that "*all men are created equal.*" We now practically read it "all men are created equal, *except negroes.*" When the Know-Nothings get control, it will read "all men are created equal, except negroes, *and foreigners, and catholics.*" When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy.
>
> Abraham Lincoln

PROTESTANT CRUSADE. Immigration grew sharply in the 1830s-40s and became increasingly Roman Catholic, with the arrival of large waves of Irish and Germans. Simultaneously a Protestant revival flourished in a climate of economic change and insecurity. Evangelists demonized Catholics as "Papists" who followed authoritarian leaders, imported crime and disease, stole native jobs, and practiced moral depravities. A barrage of such agitation led Protestant workingmen to burn the Ursuline Convent near Boston and to riot in several cities—30 were killed and hundreds injured in Philadelphia in 1844. By the mid-1850s the nativist American Party (a.k.a. "Know-Nothings") won six governorships and controlled legislatures in Massachusetts, New Hampshire, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Kentucky, and California. They enacted numerous laws to harass and penalize immigrants (as well as newly annexed Mexicans), including the first literacy tests for voting, which were designed to disfranchise the Irish in particular. Attacking the "un-American" foreigner served as a diversion for those unwilling to acknowledge America's own irreconcilable difference—slavery versus abolition—which also split the nativists themselves. As sectional conflict sharpened, Know-Nothingism faltered; by 1860, the party had virtually collapsed.

CHINESE EXCLUSION. Nativists in the West singled out Chinese immigrants for violence and legalized discrimination, claiming that white wage-earners could never compete with "coolies" willing to live in squalor. The nativist Workingmen's Party led a movement for a new state constitution in 1878-79, which adopted provisions banning Chinese from employment by corporations or state government, segregating them into Chinatowns, and seeking to keep them from entering the state. One delegate to the constitutional convention summed up the prevailing mood: "This State should be a State for white men . . . We want no other race here." Under pressure from California and other Western states, Congress passed the nation's first wholesale immigration restriction, the Chinese Exclusion Act of 1882.

RETURN OF ANTI-CATHOLICISM. Wealth and poverty both intensified during the post-Civil War era, setting the stage for class conflict between unregulated capitalists and a militant labor movement led largely by immigrants. Amid the violent strikes of the 1870s-80s came predictions of an apocalyptic struggle between American democracy and the forces of European socialism. The American Protective Association began organizing as a secret society dedicated to eradicating "foreign despotism," and that, in the public mind, included Catholics. One of its campaigns sought to ban German-language instruction, then widespread in the Midwest, as a way to harass parochial schools. But the idea backfired after Illinois and Wisconsin adopted such laws in 1889, prompting immigrant voters (Lutheran as well as Catholic) to turn incumbent Republicans out of office.

AMERICANIZATION CAMPAIGN. By the turn of this century, public attention began to focus on the poverty, disease, and crime rates of immigrant ghettos, as well as the cultural distance between newcomers and native-born. Around 1890, the source countries of immigration had begun to shift from Ireland, England, Germany, and Scandinavia to Italy, Greece, Poland, Hungary, and Russia. In 1911, a federal commission issued a 42-volume study of the foreign-born population alleging that the "new immigrants" were less skilled and educated, more clannish, slower to learn English, and generally less desirable as citizens than the "old immigrants." An alarmed establishment responded with a campaign to "Americanize" these Eastern and Southern Europeans, seeking to change their cultural traits, civic values, and especially their language. The U.S. government's Bureau of Americanization encouraged employers to make English classes compulsory for their foreign-born workers. Most states banned schooling in other tongues; some even prohibited the study of foreign languages in the elementary grades.

TRIUMPH OF ANGLO-SAXON RACIALISM. Labor strife following World War I, often led by foreign-born activists, brought on a backlash culminating in the Palmer Raids of 1920, in which the FBI deported "alien subversives" without trial. The hysteria strengthened the hand of those who had argued all along that Americanization was futile because Eastern and Southern Europeans could not—indeed, should not—be assimilated because they were genetically inferior. Anglo-Saxon heredity was credited for the American genius for self-government. Letting in "lower races" would thus threaten not only the nation's gene pool but its democratic institutions and "way of life." Congress embraced this reasoning in 1921 and 1924 legislation creating the national-origins quota system.

ENGLISH ONLY MOVEMENT. An end to racial quotas in the 1965 Immigration Reform Act opened the United States to Third World peoples and brought an explosion of demographic, cultural, and linguistic diversity. Americans who felt unsettled by these changes found a symbolic target for their discontent: "bilingualism." In the early 1980s they launched a movement to restrict the language of government—and, in some cases, the private sector—to "English only." The campaign won broad support among Americans who merely hoped to stir the melting pot, to encourage immigrants to learn English "for their own good." But the legislative means were punitive and mean-spirited, seeking to terminate essential rights and services in other languages from 911 operators to driver's license exams.

NATIVISM IN THE 1990S. America seems to be entering another period of anti-immigrant activism, with increasing complaints about the costs of today's diversity. The political conditions driving the new nativism are historically familiar: economic stagnation (in California), a widening gap between rich and poor, concerns about crime and moral breakdown, rising racial tensions, the dissolution of community ties, populist anti-intellectualism, and widespread cynicism about our social and political institutions. Perhaps a better understanding of this history can help Americans break the latest cycle of nativism.

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Prepared fall 1994 by James Crawford for the National Immigration Forum
220 I Street, NE #220, Washington, DC 20002-4362
202-544-0004 • Fax: 202-544-1905

Issue Brief: Immigrants & Welfare

Is welfare a magnet which attracts immigrants to the U.S.?

No. Government and academic researchers studying the motives for immigration have consistently disproved the "welfare magnet" myth. The majority of legal immigrants (64%) come to the U.S. to rejoin family members; others come because U.S. employers need their skills (14%) or because they are fleeing persecution (16%).[1] The government's survey of immigrants legalized under the amnesty program shows that undocumented immigrants come to the U.S. for the same reasons: to join close family members (62%), to work (94%), and to flee repression (28%), not to use public services.[2]

The U.S. Government screens legal immigrants before allowing them to enter the country to determine whether or not they are likely to become a public charge—dependent on public assistance—and only allows in those who can prove their self-sufficiency. The public charge exclusion is the leading reason used by the government to prevent would-be immigrants from entering the U.S.

Even if they come to join family members or to work, don't many immigrants end up on welfare?

No. U.S. families who reunite with close relatives from abroad provide strong support networks to help newcomers get started in the U.S. without relying on outside services. Immigrants who come to join family members or to work use welfare *less* than natives: only 3.9% rely on cash assistance, compared with 4.2% of native-born Americans.[3]

Almost *half* of the immigrants receiving assistance in the first years after their arrival are refugees and others who have fled countries undergoing political and economic upheaval.[4] Because refugees suffer extreme conditions in their home countries that force them to escape with few resources or support, U.S. law entitles them to special assistance when they first arrive. Even among the elderly, who have trouble building up enough work history to qualify for Social Security, only a minority use public assistance: 87% of elderly immigrants support themselves or are supported by family members.[5]

Why are some immigrants on welfare?

Immigrants cannot enter the U.S. without proving that they are self-sufficient and unlikely to need public assistance. However, sometimes **after** they enter the U.S. immigrants face unforeseen situations that leave them with no alternative but to seek help. In these circumstances, immigrants turn to public assistance for the same reasons other Americans do: large medical bills caused by illness or accidents, the loss of jobs in a weak economy, divorce, or the death of the primary wage earner in a family. However, because welfare assistance jeopardizes their chances of bringing other close family members into this country, it is the last resort for most immigrants.

Why can't the families of immigrants take care of their relatives?

Most U.S. citizens who sponsor immigrant relatives do support them. Overall, more than 95% of immigrants (including refugees and the elderly) support themselves or are supported by family members.[6] In some situations, the high cost of providing medical care to elderly, blind, or disabled relatives can cause significant financial hardship, even for families with comfortable incomes. Other times, changing circumstances—like work relocation, divorce, or domestic violence—mean an immigrant can no longer rely on his or her sponsor for help.

How poor do you have to be to receive welfare?

Very. All Americans, whether citizens or immigrants, can qualify for federal benefits only if their incomes fall below a certain percentage of the government's official poverty line. In 1994, most states calculated the poverty level at $14,800 a year for a family of four and $22,240 for a family of seven.[7]

What benefits can immigrants currently receive?

In general, legal immigrants are eligible for the same public assistance programs as citizens. However, legal immigrants must meet tougher income standards for the major programs. For three years after entering the U.S., immigrants applying for Food Stamps and Aid to Families with Dependent Children (AFDC) must report the combined total of their income and the income of their "sponsor" (usually the family who brought them in). This "sponsor-deeming period" raises the immigrant family's income and usually leaves them ineligible for those benefits.

However, because sponsors are not legally obligated to provide financial support, immigrants may not actually receive any help from them, especially if there has been a job transfer or divorce. For immigrants applying for Supplemental Security Income (SSI), the sponsor-deeming period has been temporarily set at five years (reverting back to three years in September, 1996).

Undocumented immigrants are not eligible for cash assistance or any other major benefit programs. The only assistance they can receive is emergency medical care under Medicaid (for those who are elderly or disabled, or who are single parents with children) and nutrition programs like the School Lunch Program for children and the Special Supplemental Food Program for Women, Infants and Children (WIC) which aids pregnant women and children under five.

How would the various welfare reform proposals in Congress affect immigrant families?

Most of the 1994 proposals would hurt U.S. citizens and their sponsored relatives. Almost all of the welfare reform proposals in Congress propose a method of financing that involves cutting benefits to legal immigrants. The Clinton administration's proposal would extend the sponsor-deeming period for SSI, AFDC and Food Stamps to five years, and, from the sixth year on, would require immigrants to prove that their sponsor's income is below the national median income (currently $39,500, regardless of family size). In addition to the current problems posed by deeming to immigrants, this extended period could worsen the hardships faced by immigrants who become estranged from their sponsors. For example, a sponsor may refuse to disclose his or her income, in which case the immigrant, with no legal access to that information, would be ineligible for benefits until he or she receives citizenship.

Some Republican welfare reform proposals involve outright bans on more than 60 federal programs for legal immigrants who have not yet become citizens. Two Republican proposals also exclude refugees from program eligibility. One proposal would require federal programs to report to the INS all legal immigrants who receive benefits for more than one year. These immigrants would be considered "public charges" by the INS and therefore subject to deportation.

If these cuts pose such problems, why don't immigrants just become citizens?

Becoming a citizen is such a costly and time-consuming process, that only 38% ever succeed.[8] Most immigrants must wait five years and fulfill English-language and U.S. government requirements. Many people must get on long waiting lists to take classes: in Washington, DC, more than 5,000 immigrants were turned away from English classes in the first seven months of 1994.[9] Even after applying for citizenship, INS backlogs can mean additional delays of a year before citizenship is granted. The older the immigrant, the more difficult it is for them to become a citizen. According to the INS, those who enter the U.S. after the age of 50—the group most likely to be affected by benefit cuts—are the least likely to become U.S. citizens; less than 20% of this age group are ever able to naturalize.

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ENDNOTES

1. See U.S. Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service, 1992* (Washington, DC: U.S. Government Printing Office, 1993), 17.

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3. Urban Institute, "Welfare Use for the Foreign-Born by Age, Relationship, and Period of Entry: 1990 Census," 1990 U.S. Census data compiled by Urban Institute, Washington, DC, 1994, 1.

4. Michael Fix and Jeffrey Passel, testimony before the U.S. House of Representatives Committee on Ways and Means Subcommittee on Human Resources, November 15, 1993, 5.

5. Urban Institute, "Welfare Use for the Foreign-Born," 1.

6. Ibid.

7. National Immigration Law Center, *Guide to Alien Eligibility for Federal Programs*, 3rd ed. (Los Angeles: National Immigration Law Center, 1994), 76.

8. U.S. Immigration and Naturalization Service, *Statistical Yearbook*, 128.

9. David Leonhardt, "Immigrants' Hopes Converge on English Class," *Washington Post*, July 25, 1994, B1.

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202-544-0004 • Fax: 202-544-1905

Issue Brief: Immigrants & Health Care

Public debate over health care reform centers around soaring health care costs and the growing number of people unable to obtain care. Those in favor of reform cite the need to contain costs, improve public health, and expand coverage. Some argue that reform can only address these challenges by providing health care coverage to all U.S. residents, regardless of citizenship status. Others fear that universal coverage might become a magnet that attracts undocumented immigrants to this country. This controversy underscores the need to examine some basic facts about immigrants and health care.

Did you know?...

CURRENTLY, EVERYONE IS ELIGIBLE FOR EMERGENCY CARE REGARDLESS OF IMMIGRATION STATUS.

While undocumented immigrants are only eligible for emergency health care under Medicaid, legal permanent residents, refugees, asylees, and other legal immigrants are eligible for full Medicaid services, along with other citizens.[1]

Medicaid provides medical assistance to low-income people who are elderly, blind, or disabled, as well as members of families with dependent children. Within federal guidelines, each state designs its own programs which differ with regard to persons covered, types of benefits offered, and amounts of payments for services. Besides emergency care, other services offered to legal immigrants are inpatient and outpatient hospital services, nurse-midwife services, and ambulatory services.

IMMIGRANTS USE HEALTH CARE LESS THAN THE GENERAL PUBLIC.

A 1992 U.S. Department of Justice report found that even when immigrants are eligible for federally funded services, they use them much less than the general population. For example, most of the hospital care costs for undocumented immigrants were paid by private insurance (47%), or by the immigrants or their families (45%).[2]

RESEARCH SHOWS THAT IMMIGRANTS ARE HEALTHIER THAN NATIVE-BORN AMERICANS.

A 1994 Georgetown University study found that "immigrants are healthier than native-born Americans." This study found that only 13.2% of recent immigrants spend more than four days a year in a hospital, compared with 21.1% of native-born Americans. The study proposed that immigrants' low hospital use may reflect the fact that "healthier people tend to immigrate."[3]

A survey conducted in 1994 by the UCLA Center for the Study of Latino Health found that "Latinos live an average of four years longer than whites and eleven years longer than African Americans. They have the lowest infant mortality rates, and the lowest incidence of strokes, heart attacks, and cancer, as well as alcohol and drug abuse."[4]

PROVIDING HEALTH CARE DOES NOT SERVE AS A MAGNET TO ATTRACT IMMIGRANTS.

- Government and academic studies show that **people migrate to the U.S. to reunite with families and to work, not to use public benefits**. The undocumented immigrants who legalized under the Amnesty Program in 1986 are typical: the vast majority came to work (94%) or to rejoin family (62%); less than 1% used public benefits when they legalized.[5]
- A 1992 study found that both U.S. citizens and immigrants living along the U.S.-Mexico border **go to Mexico for affordable health care** since physicians' fees and brand name prescription drugs are at least two-and-a-half times more expensive in the U.S. than Mexico.[6]

Special Concerns...

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LANGUAGE BARRIERS THREATEN IMMIGRANTS' ACCESS TO CARE AND JEOPARDIZE QUALITY OF CARE.

Because a large proportion (44%) of today's immigrants and refugees have arrived in the U.S. within the last ten years, many are in the early stages of learning English. Their inability to communicate well can adversely affect the quality of their care. According to local reports, patients are sometimes turned away from hospitals and other health care facilities because they do not bring their own interpreters. The inadequacy or absence of interpreters sometimes results in misdiagnoses, inaccurate medical histories, and failure to provide an emergency response in life-threatening situations.[7]

Physicians run the risk of misdiagnosis when they rely on visiting relatives or a hospital janitor to help translate for a non-English-speaking patient. For instance, a Mexican woman invented vague symptoms because she was too embarrassed to describe her real problem—a rectal fistula—while her son was translating.
—Erica Goode, "The Cultures of Illness," *U.S. News & World Report*, (February 15, 1993): 75-76.

The Asian Pacific American Legal Center of Southern California reports that health insurance companies have denied coverage to Asian Americans who do not speak English because such newcomers may not understand the policy well enough to "participate effectively." In some cases, insurance companies have refused coverage even after English-speaking adult children made assurances that they would interpret for their parents.

Health Care Reform...

In 1994, the major health care reform bills introduced in Congress excluded coverage for undocumented immigrants and included a health care card to determine eligibility for services.

COST CONTAINMENT: Many experts argue that including undocumented immigrants in a national health care system would **contain costs by promoting preventative care** among this population, instead of forcing them to rely on costly emergency care. For example, every $1 spent on prenatal care saves $3 in the baby's first year of life alone;[8] extending prenatal care to mothers with high risk infants can save hospitalization costs of $2000 a day. Others fear that extending coverage would encourage more undocumented immigrants to enter the U.S., and would increase the number—and cost—of people covered. However, with no evidence that health care attracts immigrants, and an undocumented population that equals less than 1.3% of the U.S. population,[9] the cost of covering undocumented immigrants would be relatively small.

PUBLIC HEALTH: Excluding undocumented immigrants from a national health care system **undermines this country's ability to combat contagious and infectious diseases.** Furthermore, to protect their communities, states and local governments would face additional costs to provide care for those denied coverage. National organizations such as the American Public Health Association, the American Association of Retired Persons, the U.S. Conference of Mayors, the National Conference of State Legislatures, and the National Association of Counties support universal coverage regardless of immigration status.

HEALTH CARE CARD: Proposals which exclude undocumented immigrants and require a health card for eligibility jeopardize the care of Latinos, Asian Americans, and those perceived to be "foreign." For example, people in these groups whose card has been lost, stolen, or not yet received **may be denied access to health care or experience significant delays if there are suspicions about their identifying documents.** Furthermore, the creation of a national databank and the possibility that private health histories will be encoded on the card raise serious concerns that employers, financial institutions, and others will have access to sensitive health information which could leave individuals vulnerable to exploitation and discrimination.

> If Jose Valdez and Joe Smith are both injured in a soccer game and neither one is carrying his card, Smith is likely to be given the benefit of the doubt and receive treatment; Valdez is more likely to be questioned because he may be suspected of being undocumented.

BOTTOM-LINE PROTECTIONS: Health care and immigration advocates argue that health care reform should ensure that **no one is subjected to reductions in protection**, and thereby rendering them more vulnerable to illness, financial catastrophe, or denial of treatment. As is the current practice, all persons, regardless of immigration status, should be able to purchase health insurance, receive emergency medical treatment, and obtain coverage under their employer's health plan. If a health card were to be created, serious questions would have to be resolved and substantial protections would have to be in place against its abuse. In addition, the new health care system must include **visible and enforceable provisions prohibiting discrimination** on the basis of national origin, citizenship status, and language. Unless such protections are explicitly included in a health care package, major groups of Americans are likely to experience discrimination in obtaining health care because of surname, accent, proficiency in English, confusion about citizenship status, or the perception that members of such groups are more difficult or costly to serve, or that they are not eligible for health care coverage.

ENDNOTES

1. National Immigration Law Center, *Guide to Alien Eligibility for Federal Programs*, 3rd ed. (Los Angeles: National Immigration Law Center, 1994), 38-39.

2. U.S. Immigration and Naturalization Service, *Immigration Reform and Control Act: Report on the Legalized Alien Population*, (Washington DC: U.S. Department of Justice, 1992), 47.

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4. Michael Meyer, "Los Angeles 2010: A Latino Subcontinent," *Newsweek*, (November 9, 1992): 32-33.

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6. Families USA Foundation, *Going to Mexico: Priced Out of American Health Care* (Washington, DC: Families USA, November 1992), 2.

7. Association of Asian Pacific Community Health Organizations and Asian Health Services, testimony before the House Energy and Commerce Subcommittee on Health and the Environment, June 9, 1993, 1.

8. Committee to Study the Prevention of Low Birthweight, Institute of Medicine, *Preventing Low Birthweight* (Washington, DC: National Academy, 1985), 232.

9. Rebecca L. Clark, Jeffrey S. Passel, Wendy N. Zimmerman, Michael E. Fix, Taynia L. Mann, Rosalind E. Berkowitz, *Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States* (Washington, DC: Urban Institute, September 1994), 6.

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National Immigration Forum
220 I Street, NE, #220, Washington, DC 20002-1362
202-544-0004, • Fax: 202-544-1905 • e-mail: IIN1786@handsnet.org